Agenda Item	**6.4**
Report No	**PLS/49/25**

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 22 August 2025

Report Title: 24/05097/S36: Field Knocknagael Limited

Land 500m southeast of Essich Farm Cottages, Inverness

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Knocknagael BESS - Construction and operation of a 200MW Battery Energy Storage System (BESS) comprising two BESS and one substation compounds, associated infrastructure, site access, and landscaping.

Ward: 15 - Inverness Ness-Side

Development category: Section 36 Application

Reason referred to Committee: Section 36 Application

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

Recommendation

It is recommended that the Council **RAISE NO OBJECTION** to the proposal as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

1.1 The Highland Council has been consulted by the Scottish Government's Energy Consents Unit (ECU) on an application made under Section 36 of the Electricity Act 1989 (as amended) for the construction and operation of a Battery Energy Storage Scheme (BESS) with an installed capacity of up to 200MW, access, landscaping and associated ancillary works. Due to the installed capacity over 50MW this proposal falls under the provisions of the Electricity Act.

1.2 Key elements of the development include:

2 BESS compounds with each comprising:

- Battery storage units arranged into rows;
- 2 power conversion systems (PCS) units and transformer in each row;
- Ancillary infrastructure including cabinets, auxiliary transformers, underground ducting and cabling.

Substation compound comprising:

- 2 grid transformers;
- Auxiliary transformers and distribution infrastructure;
- Control building housing a control room, switch room and welfare facilities;

Elsewhere across the site:

- Either a) between 3m and 4m high acoustic barriers around noise emitting equipment or b) 3m high palisade security fencing where noise mitigation is not required (dependant on results of further noise investigation surveys);
- Earthworks to provide level platforms;
- Indicative 500m underground 132kV grid connection cable between the substation compound and BESS;
- Access arrangements including 2 site access points along the eastern site boundary, parking provision for 10 spaces and 5m wide internal access tracks;
- Stockproof perimeter fencing;
- CCTV and lighting columns;
- Drainage infrastructure including 2 attenuation basins; and
- Landscaping and biodiversity mitigation / enhancement measures including earth bunds along north-western / eastern site boundaries.

1.3 It is anticipated that the facility would contribute to National Grid's Balancing Services Programme. The Balancing Services Programme's aim is to ensure security of electricity supply by providing a system for reliable sources of electrical capacity, which ensure cost effective delivery of energy when needed. The proposed BESS would be to provide back-up electricity capacity to meet peaks in demand on the National Grid and used in response to calls for extra supply or absorb excess generation. Consequently, the equipment would not be in continuous use and may be called upon for a few minutes at a time, to several hours. BESS projects require to be located where they can be connected to the electricity network, at points which can provide the capacity for the required import and export of electricity. The BESS proposes to connect to the adjacent Knocknagael substation located immediately to the east across the public road, via an approximately 500m long 132KV underground cable.

An application to extend Knocknagael substation (25/02201/FUL) is currently pending consideration. That infrastructure is required to accommodate the demands of the consented Loch na Cathrach (Red John) pumped hydro scheme (18/05427/S36).

1.4 The applicant utilised the Highland Council's Major Pre-Application Service for the proposed development (24/00184/PREMAJ) with pre-application advice being provided in June 2024. Whilst the PREMAJ response noted the principle of development may be supported, much would depend on the potential landscape and visual impacts along with any mitigation measures utilised to minimise these adverse effects. Concerns regarding the clustered location adjacent to the Knocknagael substation were noted along with the potential adverse cumulative landscape and visual impacts this may cause. Likewise, given there are numerous renewable projects in the wider surrounding area, the future cumulative assessment would have to consider all other forms of major development being planned in the vicinity and consider what additional impacts would arise from the location of this development. The proposed development set out in the application is similar to that proposed at pre-application stage with only minor design and layout modifications having been made, along with various mitigation measures following the applicant undertaking further technical assessments and engaging in discussions with Council officers and other relevant consultees.

1.5 Whilst public consultation for Section 36 applications is not mandatory, a Proposal of Application Notice (PAN) was submitted on 28 March 2024 (24/01337/PAN) and reported to South Planning Applications Committee on 18 June 2024 for noting. The applicant undertook 2 public consultation events in Dores on 30 April 2024 and 28 May 2024. The PAC Report submitted with the application outlines the public engagement undertaken and sets out how matters raised at these consultation events have been responded to.

1.6 The applicant submitted an Environmental Impact Assessment (EIA) Screening Request (24/01399/SCRE) to the Energy Consents Unit (ECU) on 28 March 2024. The ECU's response of 1 October 2024 confirmed that the proposal does not constitute EIA Development.

1.7 Whilst the proposed development does not constitute EIA Development, the application is supported by a suite of supporting documents which include:

- Pre-Application Consultation Report;
- Planning Statement;
- Landscape and Visual Impact Assessment;
- Environmental Impact Report;
- Ecology and Biodiversity Enhancement Assessment;
- Tree Management Report;
- Ground Investigations (Preliminary Risk Assessment and Phase 2 Report);
- Archaeology Assessment;
- Flood Risk Assessment;
- Drainage Strategy;
- Noise Impact Assessment;
- Transport Statement;
- Outline Construction Traffic Management Plan;

- Abnormal Indivisible Load Access Assessment;
- Outline Battery Safety Management Plan; and
- Socio-Economic Impact Assessment.

1.8 Following submission of the application a variation has been made to adjust the southern-most access from the U1096 public road to increase visibility in both directions to a minimum of 90m following concerns raised by the Transport Planning Team, and to adhere with the requirements of Highland Council's Roads and Transport Guidelines for New Developments Supplementary Guidance. Additionally, further clarification and supporting information was provided regarding operational noise and tree planting to the satisfaction of Highland Council's Environmental Health and Forestry Officers. The applicant also submitted a further statement on 4 August 2025 covering the proposed level of community benefit (albeit that this is not a material planning consideration) and details of the applicant's needs case for the development.

2. SITE DESCRIPTION

2.1 The proposed development is located within an area of undulating pasture farmland that slopes to the north. Coniferous woodland defines the southern site boundary and forms a strong, local visual horizon. Large, rectilinear tracts of coniferous plantations are present within the immediate surrounding area and form abrupt visual horizons, often seen high in the skyline. There are distant views from the site to the north towards Inverness and the Moray Firth.

2.2 The wider application site measures approximately 43ha and includes the existing Knocknagael substation which serves the city of Inverness. The footprint of the proposed development comprises 6ha of sloping agricultural farmland located 3km south of Inverness at Essich, located immediately west the existing Knocknagael substation to which the BESS would connect. The site comprises semi-improved pasture next to Biorraid Road, accessed from Essich Road, which runs along the northeastern site boundary.

2.3 The wider surrounding area is rural in nature with a small number of neighbouring residential properties scattered across the locale. The closest properties include:

- Essich Farm Cottage, immediately adjacent to the northern site boundary;
- A group of properties at Essich Park, 180m southeast; and
- Achrvraid House, 290m to the southeast.

2.4 There are no natural or cultural heritage designations present within the site boundary. Loch Ashie Special Protection Area (SPA) is located 3km to the southwest and is protected for its Slavonian grebe. Whilst the River Moriston Special Area of Conservation (SAC) is located some distance away, 30km to the southwest and is protected for its freshwater pearl mussels and Atlantic Salmon, it is hydrologically connected to the River Ness (via Essich Burn) which migratory Atlantic salmon use to access the sea and the River Moriston.

2.5 There are no landscape planning designations or other landscape constraints within the site or its immediate setting. Loch Ness and Duntelchaig Special Landscape Area is located 3.1km to the southwest of the site. Leys Castle Garden Designed Landscape designation is located approximately 2.5km to the northeast of the site. The site is

mainly located within Landscape Character Type (LCT) 228 Rolling Farmland and Woodland and occurs in one broad band which forms a rural backdrop to the west, south and east of Inverness. A small area of the southern site boundary and the remaining southern study area lies within LCT 223 Flat Moorland Plateau with Woodland. Whilst the character of the locale is rural in nature, however, Knocknagael substation and associated electricity pylons are often prominent in the skyline from views across the wider study area.

3. PLANNING HISTORY

3.1	N/A	25/02201/FUL - Knocknagael Substation Extension - Erection and operation of an extended substation comprising platform, 275kV air insulated switchgear plant equipment, laydown and construction compounds, access, landscaping, drainage and ancillary works.	Planning Application Pending Consideration
3.2	22.08.2024	24/03064/SCOP - Section 37 application for the construction of a new double circuit steel structure 400 kV OHL between Beauly, Blackhillock, New Deer and Peterhead, approximately 194km in length, including the diversion of an existing 400kV OHL into a proposed new Coachford 400kV substation near Blackhillock, removal of the existing 132kV OHL from Beauly to Knocknagael substations, and rationalisation and crossings of the existing transmission network	EIA Scoping Response Issued
3.3	18.06.2024	24/01335/PAN - Extension to Knocknagael substation, access, construction compound, landscaping and ancillary infrastructure	PAN Reported to Committee
3.4	18.06.2024	24/01337/PAN - Proposed Battery Energy Storage System (BESS) up to 200MW, access, landscaping and ancillary infrastructure	PAN Reported to Committee
3.5	12.06.2024	24/01399/SCRE - Construction and operation of a proposed Battery Energy Storage System (BESS) (over 50MW) with associated infrastructure, access and ancillary works.	EIA Not Required
3.6	10.05.2023	23/05657/SCRE - Extension to existing substation.	EIA Not Required

3.7	23.06.2023	23/01490/SCRE - Knocknagael substation extension.	EIA Screening Opinion – EIA Required
3.8	08.02.2023	22/05451/PAN - Erection and operation of extension to the Knocknagael Substation comprising new platform area, associated plant and infrastructure, ancillary facilities, laydown area(s), access roads and landscape works	PAN Reported to Committee
3.9	11.08.2017	15/04112/S37 - Construct and operate the proposed Knocknagael to Tomatin 275 kV overhead transmission line and associated works.	Consented by Scottish Ministers
3.10	09.06.2015	15/02000/SCOP - 275kV Overhead Transmission Line.	EIA Scoping Response Issued
3.11	03.12.2008	08/00751/OHLIN - Deviation of existing 275 KV double circuit overhead transmission lines.	Application Refused
3.12	02.12.2009	08/00753/FULIN - Electricity substation.	Planning Permission Granted

4. PUBLIC PARTICIPATION

4.1 Advertised: Section 36 Application

Date advertised:

- Inverness Courrier - 3 and 10 December 2024
- The Scotsman – 29 November 2024
- Edinburgh Gazette – 29 November 2024

Representation Deadline: 20 June 2025

Representations Received by The Highland Council: 1 objection (duplicate - also sent to ECU)

Representations Received by The Energy Consents Unit: 4 objections

4.2 Material considerations raised in objections are summarised as follows:

- Not in accordance with the Development Plan;
- Landscape and visual impact, including;
- Cumulatively with existing substation and proposed renewable schemes in the wider surrounding area;
- Future plantation woodland removal will have a further detrimental landscape and visual impact;
- Impact on landscape and natural heritage designations;
- Impact on habitat, species and ecology;
- Impact on cultural heritage designations and archaeology;

- Impact on roads and road safety;
- Fire risk and associated impact on the surrounding environment including Essich Burn, River Ness, Loch Ashie endangering wildlife, agricultural land and private water supplies.
- Noise;
- Health impacts and Electromagnetic interference;
- Lack of consideration of alternative locations, proposals and design solutions;
- Lack of details regarding employment and only minimal jobs for the local community; and
- Lack of national strategy regarding BESS.

4.3 Non-Material considerations raised:

- Overprovision of renewable energy in Highland;
- Lack of grid capacity; and
- Impact on views and house prices.

4.4 All letters of representation received by the Council are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Those representations received by the Scottish Government's Energy Consents Unit can be accessed via www.energyconsents.scot.

5. CONSULTATIONS

Consultations undertaken by The Highland Council

5.1 **Dores and Essich Community Council (Host)** were consulted but did not respond.

5.2 **Lochardil and Drummond Community Council object** to the application. They raised concerns regarding the overcapacity of BESS in Scotland, unacceptable impacts of HGV movements along rural roads, loss of archaeological assets and impact on the setting of Scheduled Monuments in the wider surrounding area, lack of socio-economic benefits, and fire risk.

5.3 **Development Plans Team** do not object to the application. The proposed development is likely to be in overall conformity with the approved Development Plan provided suitable mitigation is secured, particularly in terms of additional planting, net biodiversity enhancement, landscape and visual impacts, noise and light pollution, and electrical fire and ground/water contamination issues. The principle of battery storage facilities (particularly of a national scale) cannot be disputed under the terms of NPF4 but the site-specifics can. Policy 11e) of NPF4 sets out the criteria for assessing these site specifics. These criteria require assessment of each proposal's impact and whether that impact is localised and can be mitigated. The need for proximity to the excess power source at Knocknagael substation and the proposed extension currently pending consideration (25/02201/FUL) is accepted. Whilst there will be up to 45 jobs generated by the proposed development during the construction phase this will reduce to up to 10 jobs once the facility becomes operational. The applicant has confirmed these jobs are specific to Knocknagael BESS, however, as more transmission connected projects come online there is potential for employees to work across other sites as needed. More widely, a schools based (skills) education programme is

proposed along with community benefit payments which will also support the delivery of local services.

5.4 **Ecology Team** do not object to the application, subject to the submission of a Habitat Management Plan, Construction Environmental Management Plan, Environmental Clerk of Works, pre-construction surveys, surveys of nesting birds prior to construction and GIS shapefile data. An Informative is also required stating that works should stop immediately should protected species or nesting/breeding/resting up sites be found.

5.5 **Environmental Heath** do not object to the application, following the submission of additional information and subject to conditions requiring controls on operational noise and an updated Noise Impact Assessment. The proposed development is set in a predominantly rural area and there is potential for disturbance to sensitive premises from noise unless appropriate mitigation measures are implemented.

5.6 **Flood Risk Management Team** do not object to the application, subject to a condition controlling the final surface water drainage design.

5.7 **Forestry Officer** does not object to the application, following the submission of additional information and subject to conditions requiring the submission of a finalised Tree Management Report, Tree Protection Plan, Arboricultural Method Statement and Landscaping Plan, with the implementation of these plans overseen by a suitably qualified Arboricultural Consultant and Landscaping Consultant. It has been confirmed that there would be no adverse impact on tree W3.

5.8 **Historic Environment Team - Conservation** do not object to the application as there are no listed buildings in the wider surrounding area.

5.9 **Historic Environment Team - Archaeology** do not object to the application, subject to a condition requiring the submission of a detailed Written Scheme of Investigation. They noted the desk-based archaeological assessment submitted provides an appropriate level of information which concluded that it will be possible to limit the direct impacts to cultural heritage assets to within an acceptable range subject to appropriate mitigation measures. Mitigation includes: marking out and avoidance with buffers, minimising disturbance, micro-siting, protocol in the event of the discovery of previously unrecorded assets, and inclusion of cultural heritage issues within the Construction Environmental Management Plan (CEMP).

5.10 **Transport Planning Team** do not object to the application, following the submission of additional information and subject to conditions to secure: a Construction Traffic Management Plan (CTMP); detailed Abnormal Load (AIL) Route Assessment be undertaken for the AIL's that will be moved by road to and from the proposed development; design details for all accesses with the local public road network; culvert replacement design; establishment of a Community Liaison Group; and a "Wear and Tear" agreement, along with various mitigation measures on the route to the proposed development. Additionally, an Informative is required clarifying that no works should commence on or directly adjacent to the existing local public road network until a Road Opening Permit has been sought from and accepted by Highland Council acting as the Local Roads Authority.

Consultations Undertaken by the Energy Consents Unit

5.11 **British Telecom** do not object to the application. The application should not cause interference to BT's current and planned radio network.

5.12 **Health and Safety Executive** do not object to the application, confirming there are no national gas assets within the area the site is not within any explosive safeguarding zones.

5.13 **Historic Environment Scotland** do not object to the application. Following the submission of a bare earth Zone of Theoretical Visibility (ZTV) drawing, they confirm impacts on surrounding historic environment interests are not of a level that would raise issues of national interest.

5.14 **National Air Traffic Control Services** do not object to the application. The proposed development does not conflict with their safeguarding criteria.

5.15 **National Gas Transmission** do not object to the application, confirming there are no national gas assets within the area.

5.16 **NatureScot** do not object to the application. The River Moriston SAC is located in the wider surrounding area and it is considered the proposed development has the potential to have a detrimental impact on the designation, particularly on the Atlantic Slamon, unless mitigation measures are followed. NatureScot consider the proposed development will not adversely affect the integrity of the SAC if the applicant follows best practice, drainage solutions including an engineered drainage system and two attenuation basins are utilised to minimise the risk of water contamination along with surface level filter drains and penstock valves would capture fire water run-off and prevent it being discharged into the Essich Burn and other surrounding watercourses. With these measures in place NatureScot consider the risk to salmon within the SAC would be mitigated.

5.17 **Office for Nuclear Regulation** do not object to the application, confirming the site is not within a consultation zone for nuclear sites.

5.18 **Scottish Environment Protection Agency (SEPA)** do not object to the application, noting their standing advice for such development.

5.19 **Scottish Gas Network** do not object to the application, confirming there are no high-pressure assets within the area.

5.20 **Scottish Water** do not object to the application. A review of their records indicates that the proposed development does not fall within a drinking water catchment where a Scottish Water abstraction is located.

5.21 **Transport Scotland** do not object to the application, subject to conditions to secure: the proposed route for any abnormal loads on the trunk road network; accommodation measures for abnormal loads including the removal of street furniture, junction widening and traffic management; and any additional signing or temporary traffic control measures deemed necessary due to the size or length of any loads being transported must be undertaken by a recognised QA traffic management consultant.

Additionally, Transport Scotland included a number of advisory notes setting out requirements relating to works within the trunk road network. It welcomes the Outline Construction Traffic Management Plan (OCTMP) and Abnormal Indivisible Load Access Report (AILAR) which will be updated and implemented during the construction phase.

6. DEVELOPMENT PLAN POLICY AND OTHER MATERIAL POLICY CONSIDERATIONS

6.1 Appendix 2 of this report provides details of the documents which comprise the adopted Development Plan, including details of pertinent planning policies as well as adopted supplementary guidance, and other material policy considerations which are relevant to the assessment of the application.

7. PLANNING APPRAISAL

7.1 Should Ministers approve the development, it will receive deemed planning permission under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 (as amended). Although not a planning application, the Council processes Section 36 applications in a similar manner given that planning permission may be deemed to be granted.

7.2 Schedule 9 of The Electricity Act 1989 contains considerations in relation to the impact of proposals on amenity and fisheries. These considerations mean the developer is required to:

- have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings, and objects of architectural, historic or archaeological interest; and

- reasonably mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.

7.3 It should be noted that for applications under the Electricity Act 1989 that the Development Plan is just one of a number of considerations, and therefore Section 25 of the Town and Country Planning (Scotland) Act 1997 which requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise, is not engaged. That said, the application is still required to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance, and all other material considerations relevant to the application.

Planning Considerations

7.4 The key considerations in this case are:

a) Compliance with the Development Plan / Other Planning Policy;

b) Energy and Carbon Saving;

c) Socio-Economic Impacts;

d) Siting, Design, Landscape and Visual Impacts;
e) Natural Heritage;
f) Habitats;
g) Protected Species;
h) Built Heritage;
i) Amenity;
j) Health and Safety;
k) Traffic and Transport;
l) Flood Risk and Drainage;
m) Decommissioning and Reinstatement; and,
n) Any Other Material Considerations.

Development Plan / Other Planning Policy

7.5 The Development Plan comprises National Planning Framework 4 (NPF4), the adopted Highland-wide Local Development Plan (HwLDP), the adopted Inner Moray Firth Local Development Plan 2 (IMFLDP2), and all statutorily adopted supplementary guidance.

7.6 NPF4 outlines that Scotland is facing unprecedented challenges and that we need to reduce greenhouse gas emissions and embrace and deliver radical change so we can tackle and adapt to climate change, restore biodiversity loss, improve health and wellbeing and build a wellbeing economy while striving to create great places. Therefore, NPF4 sets out that choices need to be made about how we can make sustainable use of our natural assets in a way that benefits communities.

7.7 NPF4 considers that Strategic Renewable Electricity Generation and Transmission Infrastructure will assist in the delivery of the Spatial Strategy and Spatial Priorities for the north of Scotland, and, that Highland can continue to make a strong contribution toward meeting Scotland's ambition for net zero. Alongside these ambitions, the strategy for Highland aims to protect environmental assets as well as deliver on other policy considerations. These are assessed in the following sections of this report, which set out that the proposal is generally in conformity with the provisions of the development plan.

Energy and Carbon Saving

7.8 The Council continues to respond positively to the Scottish Government's renewable energy agenda. Whilst there has been a focus on onshore wind energy in Highland for the last generation, large scale pumped hydro storage schemes are becoming a viable complementary renewable energy source alongside on and offshore wind energy. The Highland region offers significant opportunities for BESS given onshore wind energy developments in Highland accounts for around 30% of the national installed onshore wind energy capacity along with pumped hydro storage under construction and other renewable energy sources further diversifying the mix of renewable energy to be fed into the electricity grid.

7.9 The proposal would be interconnected to the grid's transmission / distribution network via an underground cable connection to the existing Knocknagael substation immediately to the east. The development would collect energy from the grid when the supply outstrips demand. Such facilities make a commercial return by buying electricity from the grid when rates are cheaper and selling it back to the grid when rates are more expensive. However, the development will also provide electricity or other grid services when needed. Depending on the mix of electricity at the time of collection, the BESS facility may or may not be storing and then releasing renewable energy. That said, all electricity generation in the region comes from renewable sources and therefore the proposal is considered to "regenerate" renewable energy.

7.10 The benefit of BESS is that it stores excess energy being generated by renewable generating stations such as wind farms when the grid has reached full capacity, much of which would otherwise be lost. BESS therefore allows renewable generating stations to operate for longer periods and provides flexibility to the grid to respond to peaks and troughs in energy demand. As a result, the technology is considered to support government policy that seeks to end a reliance on backup electricity generation from fossil fuel reliant generators and allow the full benefits of renewables, which is where the development's intrinsic carbon saving benefits are to be realised.

7.11 Notwithstanding any impacts that this proposal may have upon the landscape resource, amenity and heritage of the area, the development is considered compatible with Scottish Government policy and guidance, making a substantial contribution to meeting the Government, UK and European energy targets, with the development having the potential to store / release renewable energy with an installed capacity of up to 200MW.

Socio-Economic Impacts

7.12 Energy storage facilities are an emergent technology and are expected to be a significant component of national energy infrastructure in the coming years and are therefore expected to support jobs and economic development. The Council has worked with public, private, and community partners to develop its priorities through the Highland Outcome Improvement Plan 2024-2027. This Plan has a vision to maximise opportunities and tackle inequality to build a thriving Highlands for all and includes three high level strategic priorities around people, place and prosperity. A Community Wealth Building Strategy was approved in September 2024. It provides an alternative approach to economic development and a practical response that aims to keep wealth within a local area. It aims to ensure every area and community can participate in, and benefit from, economic activity. The ongoing Local Place Plans initiative will likely identify other local opportunities too. The Council's position on Community Benefits has recently been updated with the approval of a "Social Values Charter for Renewables Investment" (June 2024). The charter sets out The Highland Council's expectations from developers wishing to invest in renewables related projects in the Highland area and what the Highland partnership will do to support and enable this contribution, namely:

- embed an approach to community wealth building into Highland;
- maximise economic benefits from our natural environment and resources;
- engage and involve relevant stakeholders to understand how we can continually improve our impact; and,

- unlock economic opportunities for the area.

7.13 The Council's Social Value Charter Statement would expect this development to:

- Maximise local economic impact and employment;
- Prioritise local employment and supply chain opportunities along with promoting environmental stewardship;
- Support the community through flexible contributions to a community and a strategic fund;
- Provide grid resilience and environmental benefits; and
- Provide training and skill development. These commitments would align with the Council's Social Values Charter by contributing to the emerging Community Wealth Building Strategy and would also ensure that the proposal results in long-lasting socio-economic benefits for the local community. The Community Wealth Building Team are aware of the application and have approached the developer separately to discuss how the development can deliver in respect of social values.

7.14 The proposed development anticipates a construction period of approximately 2 years with an expected operational lifespan of 30 years. There are likely to be adverse effects caused by construction traffic and disruption, particularly during the construction phase when abnormal loads are being delivered to site. Such projects can offer investment and opportunities to the local, Highland, and Scottish economy, including businesses ranging across the construction, haulage, electrical and service sectors.

7.15 Knocknagael Battery Energy Storage System (BESS) Socio-Economic Impact Assessment (Biggar Economics, June 2024) submitted in support of the application provides a breakdown of direct, indirect and induced economic impacts and considers the construction and operational effects will bring significant impacts, as well as wider additional impacts, including perception benefits, salary benefits, exchequer benefits and local supply chain opportunities.

7.16 The capital expenditure (Capex) of the project is approximately £100 million (at 2024 prices). From this figure an estimated £20 million of which would be spent in Scotland, and £7 million of which would be spent in Highland. During construction, the applicant's evaluation of the socio-economic impact and operation was assessed as having beneficial effects for the regional Highland economy. It will create new temporary construction jobs (110 years of employment across Scotland and 90 years of employment within Highland). Whilst operational requirements are minimal for BESS, the applicant reports that 30 jobs will be associated with the development, including 10 jobs in Highland. The expenditure for the operation and maintenance of the BESS is reported to be £1.8 million in Scotland, inclusive of £800,000 in Highland through direct, indirect and induced economic benefits.

7.17 Some representations note that the proportion of Capex to be spent in Highland and the jobs associated with the site once operational are low. Highland Council Development Plans Team considered the local socio-economic benefits of the development are not significant given only 7.8% of Capex will be spent in Highland whilst the jobs required at the operational stage will decrease considerably to 10 jobs within the local region across the lifespan of the BESS.

7.18 Following further discussion with the applicant they have confirmed they will support the delivery of local services through a community benefit annual payment of £200,000 (£1,000 per MW) during the estimated 30-year lifespan of the BESS, equivalent to £6 million over the course of its operation. Additionally, a schools-based education programme is offered for pathways into the renewable energy sector. The applicant notes that 34 schools in Scotland have registered, with 2,110 pupils reached with the programme relaunched for a 2nd year due to its success.

7.19 Owing to the nature of community benefit, which is voluntary in nature, it is not deemed a material planning consideration and is separate to the planning process that will be progressed by Highland Council's Community Wealth Building Team who liaise directly with applicants on this matter. Whilst not material, the details are already in the public domain following the applicant submitting a letter to Highland Council on 4 August 2025 outlining the community benefits and needs case of the proposed development.

7.20 A condition is proposed to secure a Local Employment Scheme to maximise socio-economic benefits for construction contractors as well as specialists for site landscaping / habitat management. Compliance with NPF4 Policies 11 and 25 is therefore capable of being demonstrated, as they relate to maximising socio-economic benefits and building community wealth.

7.21 The proposed development anticipates a construction period of approximately 2 years and with proper maintenance the BESS can remain operational indefinitely. There are likely to be adverse effects caused by construction traffic and disruption, particularly during the construction phase when abnormal loads are being delivered to site. Such projects can offer investment and opportunities to the local, Highland, and Scottish economy, including businesses ranging across the construction, haulage, electrical and service sectors.

7.22 It is considered from surveys of the public and business attitudes to green energy developments provide no clear evidence that the presence of an investment in an area has a negative impact on local tourism. Tourists using local routes and tourist attractions may have a particular sensitivity to visual effects, however, access to tourist facilities will be largely unaffected by this proposal. The applicant suggests that the tourism sector would likely benefit from expenditure by workers during the construction and development phases, and to a lesser extent during the operation and maintenance phases given the relative lack of visits required once the site is functioning.

7.23 Highland is experiencing significant construction activity of renewable energy development and the associated electricity transmission infrastructure required to connect to the electricity grid. The approval of the proposed development would have some positive economic impact, particularly during the construction period, although this would thereafter curtail at operational stage. Representations have raised the economic impact that renewable related energy development may have on tourism more generally. These adverse impacts are most likely to be most acute during construction which is temporary in nature and can be managed through environmental mitigation measures as specified elsewhere in this report and can be secured by condition.

7.24 NPF4 Policy 11 c) offers support to schemes where community socio-economic benefits are maximised, with NPF4 Policy 25 enabling support to be given to schemes which contribute towards a local or regional wealth building strategy or have an element of community ownership. With no community ownership being proposed, the proposal cannot be given any additional support under NPF4 Policy 25. A condition could however be imposed to require a Local Employment Scheme. The recommendation before Committee is to include such a condition to maximise the socio-economic benefits of the proposed development.

Siting, Design, Landscape and Visual Impact

7.25 The location was identified following confirmation that a point of connection to the electricity grid at the adjacent Knocknagael substation was available, with the substation having the ability to accommodate the required import and export of electricity. Specific site selection was informed by a number of key factors including connectivity to the grid, land availability, lack of environmental constraints, limited visual impact and suitable access requirements.

7.26 The applicant has sought to avoid a location which would be visually dominant within the rural landscape from surrounding receptors. However, this must be balanced with their desire to maximise electrical efficiency as far as possible and the siting next to the existing Knocknagael substation leading to a co-location of electrical infrastructure.

7.27 The proposed development benefits from being sited in a relatively sparsely populated location approximately 180m from the nearest residential properties and is not located within any natural or landscape designations. The location also benefits the site in terms of distant views towards it from the surrounding area with landform, vegetation and Knocknagael substation that surround the site offering varying levels of screening of the site from longer range views.

7.28 A relatively utilitarian design is proposed with equipment being of a functional appearance as dictated by operational and / or health and safety requirements. This site will comprise a three-tiered platform arrangement accommodating 2 battery compounds and a separate substation compound. These are linked via an internal access track that connect to the public road at southern and northern points along the eastern site boundary.

7.29 The 2 battery compounds are located in the southwestern portion of the site which will accommodate individual battery units which comprise of metal cabinets enclosing lithium-ion batteries and associated equipment. The maximum dimensions of each battery unit would be 1.31m by 1.4m with a height of 2.9m. These will be enclosed within 52 energy storage modules, similar to shipping containers measuring 22.48m long by 3.25m wide by 2.90m high, situated above ground. Each of these rows is serviced by a MV skid housing associated equipment to allow charging from and discharging to the grid network. The maximum dimensions of the medium voltage (MV) skids would be 12.19m by 2.44m with a height of 3.61m.

7.30 Whilst the exact number of individual battery storage containers and associated MV skids will depend upon the battery technology that is available at the time of construction, the specification as proposed on the site layout shows 1,560 battery units

contained within 52 energy storage modules, similar to shipping containers, and 52 MV skids.

7.31 Due to the site's undulating topography, and to enable safe gradients during construction and operation, earthworks are proposed to ensure battery compounds are accommodated on generally flat platforms. Earthworks will generally include the cutting of the southern sections of each battery compound into the site along with the filling / raising of the northern sections to achieve a flat surface. The site has been designed to re-use cut and fill materials wherever possible with any excess material from the cut to be used in two on-site landscaping bunds, resulting in a balanced cut and fill. The tallest infrastructure (high-voltage transformers and control building) has been located on the lowest platform to minimise visual impacts and will reduce the total length of underground cabling required.

7.32 The substation compound is located in the northern portion of the site and accommodates electrical infrastructure including 2 transformers, air-insulated switchgear and associated infrastructure, a high voltage switch room, control room and welfare facilities for use during maintenance events. The maximum dimensions of the substation building would be 25.4m by 20.9m with a height of 8m with a pitched roof. This equipment enables the import and export of electricity from Knocknagael substation. This compound has also been designed so that the tallest equipment (the 132kV substation) is located in the lowest area of the site to minimise the visual impact and reduce traffic movements.

7.33 The Planning Statement submitted in support of the application notes that BESS technology is developing rapidly. Whilst the fundamental components are well established the exact specifications can vary between projects and technology providers. The dimensions noted represent current design, however, as with other renewable technology, further refinements may occur as the detailed design progresses and technology evolves. The finalised design and specification of BESS infrastructure is controlled by condition.

7.34 The indicative route of the underground cable is proposed to run from the southern portion of the substation compound, east along the existing Knocknagael substation access road and around the northern boundary of the Knocknagael substation to connect to an available bay at the substation’s eastern side. The final cable route will be determined following detailed design in consultation with SSEN.

Landscape and Visual Impact

7.35 Large scale energy schemes would be expected to result in significant landscape and visual impact effects; however, such effects do not automatically translate to unacceptable effects. This is a matter of planning judgement when considering the merits of any given scheme. The applicant’s assessment of effects on visual amenity has considered potential effects on visual receptors (people obtaining views) from surrounding properties, on routes (both roads and recreational) and taking advantage of the views at outdoor locations. The applicant has submitted a Landscape and Visual Impact Assessment (LVIA) which evaluates landscape and visual effects that would result from the proposed development. Visual effects are assessed from a series of 9 viewpoints, selected to represent a range of views people experience within the study area.

7.36 There is no intervisibility between the proposed development and Loch Ness and Duntelchaig SLA due given the restrained height of infrastructure within the site. Whilst the ZTV shows visibility extending into the southern portion of Leys Castle Gardens and Designed Landscapes (GDL), intervisibility between the GDL and the proposed development is restricted by roadside and other scattered vegetation and limited to the outer margins of the southern woodland GDL boundary only. It is agreed that there will be negligible effect to views from the GDL during construction with no effect once operational.

7.37 During construction the applicant considers notable landscape character effects will be limited to areas within relatively close proximity of the site with only minor or negligible effects predicted beyond 1km distance. Construction stage effects will be short term and temporary. Local effects during peak construction stages are predicted to incur a medium adverse magnitude of effect within medium sensitivity landscape areas and a resultant moderate adverse effect upon both the Rolling Farmland and Wooded LCT and adjoining Flat Moorland Plateau with Woodland LCT. This is agreed.

7.38 Once operational the applicant considers there will be no significant effect upon night-time character of the landscape. Proposed external lighting will be activated by motion sensors and limited site activity will significantly reduce the frequency and duration of lighting periods. When the site is illuminated it will be seen in the context of existing, comparable lighting within Knocknagael Substation and in views north, against the backdrop of dense, urban lighting within Inverness. Initial effects are predicted to be minor moderate adverse effect to local landscape areas of the Rolling Farmland and Wooded LCT and adjoining Flat Moorland Plateau with Woodland LCT. This is agreed.

7.39 Longer term, the applicant considers established woodland, gorse and proposed tree planting will be effective in substantially screening the acoustic barriers and infrastructure within the site from adjoining landscape areas. Planting will also help reinforce local landscape character. Local visual character will be altered, with certain existing views foreshortened or partially screened, although those changes are not considered to be detrimental. Overall, the proposed development will incur low medium adverse magnitude of effect on local landscape character and a minor adverse significance of effect. This is agreed.

7.40 In relation to visual amenity, there are a number of high sensitivity receptors in proximity to the site including residential properties at Achvraid Farm and Achvraid House to the southeast of the site and Essich Farm Cottage on the northern site boundary. Essich Road on the western site boundary and Biorraid Road on the eastern boundary are well used recreational routes frequented by cyclists and motorists with mountain and coastal views.

7.41 Whilst there will be significant visual effects during the construction phase it is agreed that these effects are localised and relatively well contained. Views from properties at Essich Farm Cottages, Essich Park and Achvraid House ranging from immediately adjacent to the site, to up to approximately 290m, being most affected given that they are the closest properties to the site.

7.42 Site activity will be highly prominent in the view from the grounds of Essich Farm Cottages with tall plant visible in the skyline. An increase in activity will also be

apparent with plant movements and soils stockpiling during the formation of the bunds being highly intrusive. Similar adverse visual effects will be experienced in views from Achvraid Farm and Horseshoe Cottage to the southwest of the site. Effects will be moderate major adverse to these properties noted although the effects are limited to during the construction period, therefore they are short term and temporary.

7.43 Views of the site from Achvraid House are mostly screened by intervening conifer plantations and gorse scrub. Southwestern margins of the site will be visible. Western bund earthworks and construction activity within the western BESS Compound will be seen in glimpsed views. Taller cranes may become visible above the existing tree line. Effects will be minor moderate adverse to this property although again, the effects are limited to during the construction period, therefore they are short term and temporary.

7.44 Predicted effects to views from residential properties to the north and west will not be significant due to the overall distance and intervening vegetation screening or filtering potential views. Where glimpsed views are possible, the existing Knocknagael Substation and tall pylons are often notable detractors, reducing the perceived magnitude of change in the view during construction works.

7.45 During the early operational phase, it is agreed the proposed northern and western bunds will be prominent in views from the grounds of Essich Farm Cottages. Bunds will screen the ground plane of the proposed development although upper sections of the acoustic barrier around the substation compound and western BESS compound will still be visible. Taller features within the substation compound will be seen in the skyline, above acoustic fencing and partially set against the backdrop of existing mature trees. Initial effects are predicted to be minor moderate adverse from these properties.

7.46 In the longer term, established woodland planting and heathland scrub will be effective in significantly filtering or screening views to proposed taller. Planting will also partially screen views to Knocknagael Substation and tall pylons. It is agreed that whilst the proposed development will alter the existing view character the combination of planting and variety of bunding may well improve the overall view marginally, reinforcing existing landscape character.

7.47 Proposed western bunds and the acoustic fencing will generally be effective in screening views to the BESS compounds from Achvraid Farm and associated cottages. Upper sections of the acoustic fence along the western BESS compound and substation compound will be visible. The upper ridgeline of the control building and taller structures within the substation will be seen above proposed bunding and against the skyline. The backdrop of existing tall pylons and substation will reduce the perceived magnitude of change in the view. Initial operational phase effects are predicted to be minor adverse. This is agreed.

7.48 The establishment of landscape planting over time, including hedgerow along the western site boundary will be effective in substantially screening views from the farm. Again, the combination of planting and variety of bunding may well improve the overall view marginally. It is considered there will be no significant effect to views from Achvraid House during the operational phase. Upper sections of acoustic fencing on the western boundary of the western BESS compound will be visible, with potential views to the uppermost sections of substation infrastructure. Longer term, established

tree, scrub and hedgerow planting will be effective in screening the site. Whilst glimpsed, filtered views to structures may be possible during winter, these are considered negligible. There will either be no or negligible effects to views from residential properties to the north and west of the site during the operational phase of the development. This is agreed.

7.49 Effects across the wider study area will not be significant due to existing vegetation and landform limiting potential visibility. Additionally, the existing Knocknagael substation and associated pylons will reduce the perceived magnitude of change to the landscape given the proposed BESS development will be of a smaller scale.

7.50 Construction effects will be short term and temporary. Once operational wide-ranging earthworks around the site, along with the retention of vegetation (including trees and conifer plantations), will provide screening to the compounds and partial screening to lower sections of taller infrastructure within the site with the visual effects not considered significant. Whilst the tallest structures (such as the transformers and substation building between 6m and 8m in height) will remain prominent in views, particularly from surrounding roads, the establishment of proposed woodland and scrub will substantially screen these structures longer term once vegetation has become embedded within the landscape. It is agreed the site will be effectively assimilated within the landscape setting as shown in Appendix 03 Viewpoint Photographs and Photomontages. Additionally, some local views may be improved where the proposed planting provides further screening of Knocknagael substation.

7.51 In addition to the above, it is important to consider the context of the development in combination with other developments and assess the likely cumulative effects. Of particular importance is how renewable energy / electricity transmission developments relate to each other in design and relationship to their surroundings, their frequency when moving through the landscape and their visual separation to allow experience of the character of the landscape in between.

7.52 The cumulative assessment considers the cumulative landscape and visual effects of Knocknagael Substation extension and Loch na Cathrach Pumped Storage Hydro Scheme. Whilst there is theoretical visibility of both this proposed development and Loch na Cathrach hydro developments they would be seen from General Wade's Military Road, viewed in opposite directions and not concurrently. Given the setback the cumulative visual effects are considered not significant.

7.53 Although yet to be determined, the extension of Knocknagael substation (25/02201/FUL) has potential to have significant cumulative effects, particularly if both were to be constructed simultaneously. Adverse landscape and visual effects to local receptors would be exacerbated, however, the construction stage would be short term and temporary. Whilst the overlap of simultaneous construction works may occur over a short period it would not be expected over the full duration of either construction programme, limiting the potential for significant cumulative effects.

7.54 It is agreed that once both developments are operational, the potential cumulative landscape and visual effects of these developments will not be significant. The existing presence of the Knocknagael Substation and electricity pylons also affects both visual and landscape character within the area, with the extension of the substation, in combination with the proposed development, not significantly altering existing

landscape character or visual amenity of the area. Whilst the BESS proposals are comparable in footprint size to the existing Knocknagael substation, the proposed development is separated and stepped across 3 main compounds, each cut into and partially set within the landform. By working with the existing topography of the site, earthworks to accommodate the development have been limited by design, and post establishment of landscape planting, there will be no residual significant landscape or visual impacts.

Habitats

7.55 Disturbance to any habitats is expected to be minimal, with no formal designations within the immediate area, therefore the proposed development would be acceptable in this instance. Biodiversity enhancement measures would be introduced to provide mitigation, in accordance with NPF4 Policy 3(b), which states that "development proposals for national or major development… will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity". The applicant's proposal, as noted in the submitted Ecology and Biodiversity Enhancement Assessment, would achieve a biodiversity net gain of 20%. This exceeds the Council's 10% requirement. Delivery and maintenance of these measures can be secured by condition. The proposed biodiversity enhancements include the creation of mixed scrub, including juniper, species diverse grassland, and planting of broadleaved tree species.

7.56 Highland Council's Ecology Team welcome the suggestions for habitat creation and have requested provision of bird boxes and bat boxes, where appropriate, on site. Additionally, there is the opportunity to include biodiversity enhancement options within the proposed attenuation pond, subject to ongoing maintenance requirements with this to be controlled by condition.

7.57 An Outline Construction Environment Management Plan (OCEMP) has been submitted, the delivery of which, along with the requirement for an Environmental Management and Pollution Prevention Plan can be conditioned. A condition would also secure the implementation of the site's Habitat Management Plan (HMP) which will require to be in place for a minimum of 30 years, reflecting the anticipated operational lifetime of the development. The Ecology Team has also requested conditions controlling the submission of pre-construction surveys, surveys of nesting birds prior to construction and GIS shapefile data. An Environmental Clerk of Works (EnvCoW) will be appointment to oversee the project along with a Planning Monitoring Officer to oversee compliance with the conditions attached to any consent.

7.58 An assessment of the potential impacts of the proposed development on geology, hydrogeology and peat has been considered as part of ground investigation works completed to inform the project design and feasibility of the proposed development. No peat is found on site, as such, there are no predicted effects on peatland resources. Whilst the site has previously been used for agricultural purposes and is currently used as an agricultural field it is not classed as prime agricultural land (the site is Class 4 and prime land is defined as Classes 1 to 3.1) or land that is culturally or locally important for primary use.

Protected Species

7.59 A preliminary ecological appraisal of the site was undertaken by the applicant in March 2024. The main habitats on site comprise of modified grassland with some woodland and scrub. Whilst a small area of blanket bog is located within the wider site boundary this is outwith the footprint of the proposed development. The surveys were conducted outside the breeding bird season, but the site was assessed as suitable for supporting nesting birds, especially within the woodland and scrub areas. No evidence of protected species was recorded within the development boundary; however, it was assessed as capable of supporting reptiles, amphibians (not including great crested newts) and potentially foraging bat species. A watercourse passes through the site, but the terrestrial habitats make it suboptimal for resting otter or water vole.

7.60 The 24.4ha Ecology Study Area (ESA) covered within the Preliminary Ecological Appraisal Report notes the ESA is dominated by pasture, sheep grazed modified grassland. Modified grassland makes up by far the biggest proportion of the site at 17.63ha. All areas of modified grassland within the ESA were assessed as “poor” . The next largest areas are made up of other coniferous woodland (1.67ha), mixed scrub (1.57ha) and grassland – other neutral grassland (1.38ha) were consider “poor”, “moderate” and “moderate” respectively according to the Defra assessment criteria.

7.61 In terms of trees a total 27 individual trees were identified, surveyed and evaluated in the submitted Tree Management Report. Two high quality, mature trees have been identified for removal, 1 birch and 1 hawthorn (409 and 438) within the proposed western BESS compound. While all measures have been taken to avoid impact on the wooded environment, this option is deemed to have the least impact overall. On the same site there will be the loss of a corner of a small plantation of Sitka spruce including some young native broadleaves totalling 0.06 ha, however, this is less detrimental. Highland Council’s Forestry Officer has no objection to the proposed development subject to the submission of a finalised Tree Management Report, Tree Protection Plan, Arboricultural Method Statement and Landscaping Plan, all overseen by a suitably qualified Arboricultural Consultant and Landscaping Consultant.

7.62 The Ecology Team note that any clearance of vegetation should be undertaken outwith the breeding bird season (between March to August, inclusive). Any clearance within these months will require a nesting bird check undertaken by a suitably experienced ecologist. Given the potential for amphibians and reptiles on site, site clearance will be undertaken under a Species Protection Plan / Method Statement. Any external lighting, whether temporary or permanent, must be “wildlife friendly” and directional, to avoid illuminating surrounding habitats.

7.63 A number of representations raised concerns regarding the potential impact of the proposed development on surrounding watercourses and designations such as the River Moriston SAC and Loch Ashie SPA. NatureScot have no objection to the proposal subject to an appropriate assessment undertaken by the Energy Consents Unit. The proposal could affect the River Moriston SAC which is protected for its freshwater pearl mussels and Atlantic Salmon. Although this development is not hydrologically connected to the SAC, it is hydrologically connected to the River Ness

(via Essich Burn), which migratory Atlantic salmon use to access the sea and the River Moriston.

7.64 The site's status means that the requirements of the Conservation (Natural Habitats, and c.) Regulations 1994 as amended (the 'Habitats Regulations') apply or, for reserved matters, The Conservation of Habitats and Species Regulations 2017. Consequently, the Energy Consents Unit is required to consider the effect of the proposal on the SAC before it can be consented (commonly known as Habitats Regulations Appraisal). NatureScot's advice is that the proposal is likely to have a significant effect on Atlantic salmon linked to River Moriston SAC. Consequently, the Energy Consents Unit, as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interest(s).

7.65 Based on the supporting information provided, NatureScot's conclusion is that the proposal will not adversely affect the integrity of the site given the following factors:

- Infiltration on the site is described in the application as naturally poor;
- The developer proposes to follow best practice guidelines with regards to fire safety management and prevention of pollution to the water environment;
- The site design includes an engineered drainage system and 2 attenuation basins to mitigate the risk of water contamination;
- Surface level filter drains and penstock valves within the drainage design are proposed to capture fire water run-off and prevent it being discharged into the Essich Burn and other surrounding watercourses. Instead, runoff would be tanked to be taken off site and treated.

With these measures in place NatureScot consider the risk to Atlantic salmon would be mitigated.

7.66 The site lies approximately 3km from Loch Ashie SPA and SSSI, protected for its Slavonian grebe. As noted above, the effect of the proposal on the SPA and SSSI has to be considered as part of the Habitats Regulations Appraisal.

7.67 NatureScot's advice is that it is unlikely that the proposal will have a significant effect on any qualifying interests of the SPA and SSSI either directly or indirectly. An appropriate assessment is therefore not required as site lies approximately 3km downstream of Loch Ashie. This is well beyond the 350m recommended disturbance distance for Slavonian grebe. Additionally, there is no hydrological connectivity with Loch Ashie so risk to water quality is considered unlikely.

Built Heritage

7.68 A number of representations raised concerns regarding the impact of the proposed development on cultural heritage interests within the wider surrounding area such as the setting of Carn Glas, Chambered Cairns (SM2392) located approximately 300m south of the site.

7.69 The bare earth Zone of Theoretical Visibility (ZTV) submitted in support of the application shows that whilst there would be some theoretical visibility of the proposed BESS from the very northern end of Carn Glas, it is very limited, even if the intervening existing shelter belts are disregarded. The LVIA visualisation shows that the proposed

development would be set into the gently north facing slope, thus reducing the overall prominence and visual incongruity of the proposed BESS.

7.70 Highland Council's Historic Environment Team and Historic Environment Scotland have no objections to the proposed development subject to the submission of a detailed archaeological Written Scheme of Investigation which can be secured by condition.

Amenity

7.71 There is likely to be some disruption during the anticipated construction period. Developers and contractors must comply with reasonable operational practices regarding construction noise so as not to cause nuisance in any case, as required by Section 60 of the Control of Pollution Act 1974, which is regulated by Environmental Health. Working hours on the construction site and deliveries are to be restricted to 08.00 – 19.00 Monday to Friday, 08.00 – 13.00 on Saturday with no Sunday or Public Holiday working or deliveries. Construction activities that do not generate impacts beyond the site boundary would be permissible outwith these hours.

7.72 The applicant has advised that they intend to start 1 hour earlier than is standard at 07:00. The Environmental Health Team recommended start time is 08:00 in order to reduce the likelihood of complaints, however, if the applicant can liaise with neighbouring residents on an earlier start, then this may also be appropriate by prior agreement only. If Environmental Health were to receive a complaint, they would have to investigate under the Control of Pollution Act 1974 and there are no guarantees they would agree to a 07:00 start.

7.73 In terms of the facility's operation, the BESS proposal employs inverters, switchgear, transformers and batteries, with the battery storage containers also fitted with air cooling units at low level on the sides of each container. As such, the operation of the facility will create a degree of noise with potential to impact residential amenity given there are properties in proximity. There is also potential for cumulative operational noise associated with extending Knocknagael substation which has been assessed. Following review of the applicant's noise assessment, Environmental Health have advised that planning conditions are required to stipulate that operational noise levels would not exceed 31dB(A) at the curtilage of any noise sensitive receptor, and that further monitoring of noise levels will continue post-implementation to ensure compliance with consented noise levels.

7.74 A number of representations submitted raised concerns regarding noise once the BESS is operational. Highland Council's Environmental Health Team have no objection subject to conditions and subject to the submission of an updated noise impact assessment to reflect the finalised proposal's design should any amendments be made post consent. To further reduce potential noise, acoustic barriers between 3m and 4m high will be installed around the battery compounds and the 2 high-voltage transformers within the substation compound. Environmental Health note the applicant is committed to complying with the agreed noise levels and has provided further details on potential additional mitigation measures, beyond those already noted and incorporated into the proposed development, that could be implemented if required. These include a reduction in the number of battery units, albeit, this would be

considered a last resort with this not being necessary based on technical assessment work undertaken to date.

7.75 It should be noted that any subsequent (unexpected) noise complaint against the facility would be required to be treated as a Statutory Nuisance complaint under the Environmental Protection Act 1990 by Environmental Health. Environmental Health would then have the option to impose additional obligations on the site's operator to implement noise mitigation measures.

Health and Safety

7.76 The 1,560 battery units contained within 52 energy storage modules, similar to shipping containers, are arranged into rows units laid out in groups of 6 with at least a 3m setback between infrastructure. The separate battery cabinets would consist of steel enclosures, and each will include fire detection and suppression systems. The National Fire Chiefs Council (NFCC) guidance suggests a separation distance of 6m unless suitable design features can be introduced to reduce that spacing, however, draft NFCC Guidance points to different design approaches that may lead to different spacing requirements, and it does not specify a minimum distance in terms of layout. The applicant states that the proposed separation distance is designed to prevent any spread of fire between units. The battery units would be monitored around the clock and any malfunction or thermal issue in one would be immediately detected and the relevant component shut down instantly. The submission includes details of health and safety arrangements and fire suppression. The design and layout have been proposed to ensure that a runaway fire in one of the battery units would not spread to other units. In the event of a fire within an individual unit, a venting system is designed to prevent flammable gases from building up, assisting with firefighting, and preventing any potential risk of explosion from combustion products when exposed to the air. Monitoring of individual cell temperatures forms part of the management of the site.

7.77 A firefighting and emergency strategy would be agreed with Scottish Fire and Rescue once final technical specifications are known. At a recent appeal case, where a Reporter upheld an appeal against THC's refusal of planning permission for a BESS at Kilmorack near Beauly (PPA-270-2310), the Reporter observed that he did not consider that the specific matters of fire risk and the fire safety standards of battery energy storage systems to be directly planning considerations. The Reporter concluded that matters related to management of fire risk, such as agreement of a firefighting and emergency strategy, as is proposed in this case, would be for the appellant and the Scottish Fire and Rescue Service in the context of existing fire regulations and not for the Planning Authority to regulate through planning conditions. The Reporter did however conclude that where fire related matters impact on issues that are within the scope of planning considerations (such as access, layout, and the appearance of a development), then they can be indirectly relevant to a planning decision. Where fire safety measures potentially have implications for designated sites, this would also be material to planning considerations in instances where a proposal could impact on such a site.

7.78 In this regard, the proposal has been designed to provide 2 attenuation basins, 1 southern attenuation basin between the 2 battery compounds and 1 northern attenuation basin located north of the substation compound. For a controlled burn, the NFCC guidance recommends 1,900 l/min of water is required for up to 2 hours (a total

of 230m^3 of water). Water run off during firefighting has the potential to hold contaminants, although the concentration of these would be expected to be low as no water will be applied directly to the battery units. The drainage designs of the site has been oversized to ensure that the full volume of fire water run-off (up to 230m^3) can be contained on site within the 2 attenuation basins. The drainage system will include a mechanism to prevent discharge from the site into the surrounding environment in the form of an automatic penstock valve.

7.79 The site layout plans show 2 separate points of access from the public road to the north and south of the site. Whilst matters of fire risk and the fire safety standards may not be material planning considerations, any changes to the development layout or design, necessary to comply with fire safety requirements may have an impact on final site layout and design. A planning condition is therefore proposed to allow for a degree of adjustment within the development site, however, if substantial changes to site layout and design are required, this would require a new or varied consent.

7.80 Notwithstanding the Reporter's comment in respect of the materiality of fire safety matters in the Kilmorack appeal, a firefighting and emergency strategy submitted and agreed prior to the delivery of battery equipment to the site, can be secured by condition. Representations raised particular concerns regarding fire risk and safety, however, with these plans and procedures in place, the applicant has demonstrated that the proposal's potential adverse impacts on human health, safety, and the environment, in the unlikely event of a battery fire, has been duly considered and mitigated against. As such, the proposal complies with NPF4 Policy 23 for Health and Safety.

7.81 It should also be noted that firefighting and emergency strategy will be a working document that will require updating from time to time in accordance with best practice and to take account of equipment and conditions on site. The regulation of fire safety, health, and other safety and environmental matters are not, however, matters for the Planning Authority to regulate. Consequently, the ongoing currency of these documents will be the responsibility of the operator in consultation with the relevant agencies including the Scottish Fire and Rescue Service.

7.82 The Scottish Fire and Rescue Service (SFRS) do not respond to individual planning applications instead relying on NFCC Guidance for Grid Scale BESS. At this present time, there is no further guidance available from SFRS on BESS site developments. In the absence of a national approach, no regional office comment can be provided, however, the guidance provided helps inform the Planning Authority's consideration of the application, as noted above. This proposal has been found to be in general accordance with the NFCC guidance. A condition is suggested to secure details of the final layout of the proposal, which will be required to reflect best practice in that regard.

Traffic and Transport

7.83 Access to the site would be off the existing U1096 Biorraid Road along the eastern boundary of the site. The 2 upgraded accesses will include gates, bell mouths and 20m hard standing set back from the edge of the road. Within the site a 5m single lane perimeter access track is proposed around the perimeter of the battery and substation compounds extending to the battery units and other infrastructure.

7.84 The Transport Statement (TS) submitted with the application states there will be a total of 1,708 trips or 3,416 two-way vehicle trips generated during the 2-year construction period. The TS states that it is anticipated that daily deliveries to the site would peak in the first year of construction during the establishment of the site which will include the groundwork and main civils work. During this phase, weekday HGV traffic would peak at a maximum of 3 vehicles per hour for stone deliveries, which equates to 6 return trips per hour and a total of 36 HGV deliveries (72 return trips) per weekday. HGV traffic on Saturdays would peak at a maximum of 36 return trips.

7.85 Transport Planning have highlighted that local road improvements would be required along the impacted sections of the C1064 Essich Road and the U1096 (referenced in the submission as Biorraid Road), alongside traffic management measures, to support the likely construction access needs of this development. Such mitigation measures are to be conditioned as set out below.

7.86 Following concerns raised by Highland Council's Transport Planning Team regarding visibility from the southern access the applicant amended the entrance to improve visibility in both directions. Whilst this is welcomed and the 90m visibility is achievable Transport Planning questioned the methodology used by the applicant to calculate the visibility splay. As this is yet to be provided, a condition is attached to control the visibility from the southern access.

7.87 Representations raised concerns regarding the cumulative transport impacts given the potential for works to overlap with other schemes at various stages in the planning process including Knocknagael Substation extension (25/02201/FUL), Beauly to Peterhead overhead line upgrade (24/03064/SCOP) and Loch na Cathrach Pumped Storage Hydro scheme grid connection, along with other renewable projects in the wider surrounding area. Transport Planning has considered the cumulative implications for traffic and the impact on the road network and various roads mitigation works will be required including:

- Strip widening to sections of Essich Road and Biorraid Road U1096 to achieve a 3.3m carriageway;
- Intervisible passing places measuring 6m by 20m with 12m tapers along the entire routes no greater than 150m. These will be a combination of new passing places and upgrades to existing;
- New passing place road signs at each location;
- New dedicated active travel facilities alongside Essich Road around the scattered properties where Big Burn crosses beneath the road;
- Traffic management / road safety scheme to manage the impacts of such traffic around the Big Burn developed in consultation with local residents and Transport Planning;
- Enhancements to the off-road active travel facilities between Torbreck Road and the southern junction of Holm Dell Drive to enable cyclists to safely share the route with pedestrians;
- Full structural surface course overlay applied along the entire route to strengthen the road for increased vehicle loads;

- Enhancement to the existing speed limit gateway on Essich Road to reinforce the need to reduce speeds; and
- Enhancement to the Torbreck Road / Essich Road junction to ensure that there is adequate visibility.

7.88 The detailed designs for these essential improvements are controlled by condition and require to be agreed with Highland Council and implemented prior to the main works commencing at any of the developments noted, including this BESS. It is recommended that the applicants and contractors from each of these schemes work together to clarify appropriate proportional delivery of the above required physical mitigation.

7.89 Other conditions attached include the submission of a Construction Traffic Management Plan (CTMP), Abnormal Load Assessment (ALA) and "Wear and Tear" Agreement. Transport Planning note that the plans shall include a month-by-month breakdown of the types and quantities of construction traffic that will be routing to and from the development informed by direct input from the proposed main contractor. It should confirm the routing of such traffic and the measures that will be taken to avoid local traffic peaks, including school drop-off and pick-up times. Transport Planning will not accept construction traffic being routed to or from the south via either the Essich Road or Biorraid Road.

7.90 The closest trunk road to the site is the A82 which is located approximately 5.7km to the north. Transport Scotland consider that the magnitude of generated trips is unlikely to have any discernible traffic impact on the trunk road and no further trunk road assessment is required.

7.91 The Abnormal Indivisible Load Access Report (AILAR) submitted with the application notes the route to site is assumed to be from a port (not specified) then utilising the A9 before exiting onto the A8082 and proceeding to the site. However, the trunk road sections of the proposed route have not been included (or identified) within the assessment. Transport Scotland will require to be satisfied that any abnormal loads can negotiate the selected trunk road route and that their transportation will not have any detrimental effect on structures within the trunk road route path. An updated report which identifies the trunk road junctions to be used and assesses their capability in accommodating the proposed AILs is required and controlled by condition.

7.92 Both the Transport Planning Team and Transport Scotland have no objection subject to local road improvements along the Essich Road and the Biorraid Road and the other conditions specified.

Flood Risk and Drainage

7.93 Surface water runoff currently drains across the site from south to north and outfalls into Essich Burn on the northern side of Essich Road. The proposed development maintains the outfall point into Essich Burn. Filter drains will collect water from each compound area and direct water to the 2 attenuation basins. Surface water will be discharged to the existing ditch on Essich Road along the northwestern site boundary. All surface water will pass through a filter drain and an attenuation basin to ensure pollution mitigation.

7.94 The Transport Planning Team would not generally support private water discharges into adopted roadside drainage ditches and noted concerns with this drainage solution in their initial consultation response. Following discussion with the applicant, given the lack of other options for this development and the intention to upgrade and upsize the existing culvert below Essich Road, Transport Planning accept this as an approach for this particular development. However, this is dependent on the applicant gaining 3rd party neighbouring landowner consent for the culvert's discharge. The Flood Risk Management Team have not raised concerns regarding the proposed discharge rates. The design details of the proposed culvert replacement are controlled by condition. The applicant has confirmed that no additional land rights are required to accommodate the surface water discharge arrangements, including the upgraded culvert under Essich Road. The land on both sides of Essich Road is owned by the same landowner that the applicant has land rights in place with.

7.95 The Drainage Strategy submitted by the applicant in support of the application has confirmed no private water supplies will be impacted by the proposed development. The document concludes that the site has poor infiltration due to the clayey nature of the Hummock Glacial Deposits and impermeable nature of the mudstone bedrock. Additionally, the site finish will be compacted to be impermeable and all surface water run-off will therefore be diverted through the underground drainage system via filter drains and attenuated in the attenuation basin which is fitted with penstock valves to prevent discharge to the wider water environment in any contamination event.

7.96 Highland Council's Flood Risk Management Team and SEPA have no objection to the application subject to a condition controlling the final surface water drainage design.

Decommissioning and Reinstatement

7.97 The proposed development would have an operational life of 30 years, after which the site would be restored to its former use. While there is no suggestion to limit the lifetime of this development by condition, it is appropriate as well as required under NPF4 Policy 11 e) and HwLDP Policy 67 to condition an outline Decommissioning and Reinstatement Plan (DRP) prior to the commencement of development on site. The DRP would be prepared in consultation with and approved by the Planning Authority prior to the commencement of any works. Decommissioning works would then be undertaken in accordance with a statement of operations covering safety and environmental issues, including the safe removal of electrical equipment and foundations down to 1m below ground level, to ensure the site can be effectively returned to its former use. The DRP will also outline measures to safeguard and guarantee finances in the event the operator or owner is no longer solvent. The strategy and financial safeguard would also require to be reviewed at regular intervals.

Other Material Considerations

7.98 Given the scale and complexity of the development, and to assist in discharge of conditions, the Planning Authority usually seeks that the developer employs a Planning Monitoring Officer (PMO). The role of the PMO, amongst other things, would include the monitoring of, and enforcement of compliance with, all conditions, agreements and obligations related to this permission (or any superseding or related

permissions) and shall include the provision of a bi-monthly compliance report to the Planning Authority.

7.99 Representations raise concerns about the potential health impacts of electromagnetic interference (EMI) from the proposed facility which they consider would adversely impact health and wellbeing of residents within the surrounding area. The Planning Authority is not responsible for the applicant complying with standards and requirements of other authorities, such as in respect of electro-magnetic disturbance. Even so, the applicant has confirmed that the proposed development would be constructed and operated in line with all adopted British standard guidelines and regulations as it relates to BESS.

7.100 There are no other material considerations.

Non-Material Considerations

7.101 Representations raise concerns that there is an over-provision of renewable energy development and associated infrastructure such as BESS within the wider Highland region. Whilst there are various renewable projects in the wider surrounding area, all such proposals require assessment on their own merits and are rightly subject of individual applications. NPF4 makes clear that grid capacity should also not constrain renewable development.

7.102 Representations raise concerns regarding potential impact on views from surrounding properties and effect on property value is not considered a material planning consideration. Planning decisions are primarily concerned with the public interest along with the development and use of land as opposed to individual views and private financial interests.

8. MATTERS TO BE SECURED BY LEGAL AGREEMENT

8.1 It is noted that Transport Planning have recommended that any permission issued includes a requirement for the Developer to enter into a formal Wear and Tear Agreement with Highland Council, in accordance with Section 96 of the Roads (Scotland) Act 1984. Any such agreement is likely to require a Road Bond or some other form of financial security to protect the Council from any such extraordinary expenses. This agreement is required to be specified within the Construction Traffic Management Plan.

8.2 A decommissioning and restoration financial guarantee can be secured by condition.

9. CONCLUSION

9.1 The proposed development has the potential to play a role in addressing supply and demand peaks and troughs within the electricity transmission network by virtue of storing excess energy produced by generating stations, including from renewable sources. In that way, the proposal is considered to contribute to national climate change and carbon net-zero targets. It is a technology that has strong support within National Planning Framework 4 Policy 11 Energy.

9.2 However, as with all applications, a balancing exercise must be undertaken. The benefits of the proposal must be weighed against potential drawbacks and then

considered in the round, taking account of the relevant policies of the Development Plan, which includes NPF4, as well as all other material planning considerations. Although industrial in appearance, the proposal would be relatively well screened from the public road, residential properties and other locations. As such, landscape and visual impacts are well within acceptable limits. Moreover, the proposal will result in biodiversity net gain through planting of mixed scrub and broadleaf trees across the site.

9.3 Whilst Lochardil and Drummond Community Council and 4 representations received object to the proposed development no other consultees have raised concerns subject to the conditions attached. Whilst their concerns regarding the impact on roads, fire risk, noise, cultural heritage, habitat, species and ecology are noted, such matters have been assessed in detail and are capable of being adequately mitigated by design and the environmental management provisions made within the application.

9.4 There are also clear impacts that might be expected from this proposed development, particularly during its construction. These can be managed through best practice construction management techniques to ensure surrounding interests, particularly road access, recreational route access and the amenity of local communities, is safeguarded from the key impacts of the development. Given the construction phase for this development could overlap with work programmes for various other schemes within the wider surrounding area, road improvements will be required along sections of the Essich Road and the Biorraid Road.

9.5 Schedule 9 of the Electricity Act sets out what an applicant shall do in relation of the preservation of amenity. It is considered that the proposal has had regard to the desirability of preserving natural beauty and has mitigated the effects of the development in relation to the effects on the natural beauty of the countryside. This is by virtue of the location, setting and design, resulting in landscape and visual impacts which can be accommodated. Officers are also satisfied that environmental effects of this development can be addressed by way of mitigation should permission be forthcoming by Scottish Ministers.

10. IMPLICATIONS

10.1 Resource: There are significant staffing and financial resource implications should the application is to be subject to a Public Local Inquiry.

10.2 Legal: If an objection is raised to the proposal, the application may be subject to a Public Local Inquiry.

10.3 Community (Equality, Poverty and Rural): Not applicable

10.4 Climate Change/Carbon Clever: The proposal has the ability to make a meaningful contribution toward the storage of renewable energy.

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before consultation response being issued to Scottish Ministers: None

11.1 It is recommended to **RAISE NO OBJECTION** to the application subject to

A. The Committee granting delegated authority to the Area Planning Manager - South to agree the finished condition wording, with any substantive amendments to be subject to prior consultation with the Chair of the South Planning Applications Committee; and
B. The following conditions and reasons:

Conditions and Reasons to be attached to any Section 36 consent which may be approved

1. **Notification of Date of First Commissioning**

Written confirmation of the Date of First Commissioning and the Date of Final Commissioning shall be provided to the Planning Authority and the Scottish Ministers no later than one calendar month after those dates.

Reason: To allow the Planning Authority and Scottish Ministers to calculate the date of expiry of the consent.

2. **Commencement of Development**

(1) The Commencement of development shall be no later than 5 years from the date on which this consent is granted, or in substitution, such other period as the Scottish Ministers may hereafter direct in writing.

(2) Written confirmation of the intended date of Commencement of development shall be provided to the Planning Authority and the Scottish Ministers no later than one calendar month before that date.

Reason: To ensure that the consent is implemented within a reasonable period and to allow the Planning Authority and the Scottish Ministers to monitor compliance with obligations attached to this consent and deemed planning permission as appropriate.

3. **Non-assignation**

(1) This consent shall not be assigned without the prior written authorisation of the Scottish Ministers. The Scottish Ministers may authorise the assignation, with or without conditions.

(2) The Company shall notify the Planning Authority and the Scottish Ministers in writing of the name of the assignee, principal named contact and contact details within fourteen days of the consent being assigned.

Reason: To safeguard the obligations of the consent if transferred to another company.

4. **Serious Incident Reporting**

In the event of any breach of health and safety or environmental obligations relating to the Development during the period of this consent, the Company will provide written notification of the nature and timing of the incident to the Planning Authority and the Scottish Ministers, including confirmation of remedial measures taken and/or to be taken to rectify the breach, within 24 hours of the incident occurring.

Reason: To keep the Scottish Ministers informed of any such incidents which may be in the public interest.

Conditions to be attached to any deemed planning permission

5. **Implementation in Accordance with Approved Plans**

(1) Except as otherwise required by the terms of the section 36 consent and deemed planning permission, the Development shall be undertaken in accordance with the application:

a) including the approved drawings;

b) the Environmental Appraisal ("the EA"); and other documentation lodged in support of the application.

Reason: To ensure that the Development is carried out in accordance with the approved details.

6. **Site Investigation Works**

The site investigation works shall not commence until a detailed scheme of all site investigation works (including off-site and on-site works) has been submitted to and approved in writing by the Planning Authority. This shall include a timetable for all investigation works and enabling works and shall be submitted a minimum of 3 months in advance of the proposed date of commencement of any site investigation works.

Reason: To ensure the final details of the enabling works and site investigation works have regard for the rural setting of the Development Site and the potential impact of such works on the infrastructure of the area

7. **Site Investigation Works – Use of Materials**

Should the site investigation works result in the need for material to be used on site for other works or for material to be removed from the site, a detailed scheme of all excavated material works (including the volume of material to be used, the manner it is to be used and a justification for the need for the works) shall be submitted prior to the commencement of development and approved in writing by the Planning Authority in consultation with SEPA.

Reason: To ensure the final details of the enabling works and site investigation works have regard for the rural setting of the Development Site and the potential impact of such works on the infrastructure of the area.

8. **Site Enabling Works**

The Site Enabling Works shall not commence until a detailed scheme of all Site Enabling Works (including off-site and on-site works) has been submitted to and approved in writing by the Planning Authority. This shall include a timetable for all enabling works and shall be submitted a minimum of 1 month in advance of the proposed date of commencement of any Site Enabling Works.

Reason: To ensure the final details of the Site Enabling Works have regard for the rural setting of the Development Site and the potential impact of such works on the infrastructure of the area.

9. **Accordance with the Provisions of the Application**

(1) Permission is hereby granted for the erection and operation of a Battery Energy Storage System (BESS) facility, with the following elements approved under this permission:

- Up to 1,560 battery units contained within 52 energy storage modules, similar to shipping containers, each measuring 22.48m long by 3.25m wide by 2.90m high, situated above ground;
- Power conversion systems (PCS) units and transformers;
- Cabinets, auxiliary transformers, underground ducting and cabling
- Control building housing a control room, switch room and welfare facilities measuring 25.40 long by 20.90m wide by 8m high.
- Acoustic barriers;
- Earthworks and landscaping;
- Underground 132kV grid connection cable between the substation compound and BESS;
- 2 site access points along the eastern site boundary, 10 parking spaces and 5m wide internal access tracks;
- Perimeter fencing;
- CCTV and lighting columns;
- Drainage infrastructure including 2 attenuation basins for SUDS, fire fighting water supply and contaminated water tank; and
- Biodiversity mitigation / enhancement measures.

(2) Prior to the final commissioning of the development hereby approved, all elements of the development that relate to Part (1) above, and as approved in writing by the Planning Authority under Condition 10 below, along with site drainage infrastructure, site security measures, and fire safety measures including the means of containment of fire suppressant materials shall be constructed and installed in full, made available for use, and thereafter maintained for this use for the lifetime of the development.

(3) In the event of the Development not storing and supplying electricity on a commercial basis to the grid network for a continuous period of 12 months from 50% or more batteries installed and commissioned from time to time, the Company shall immediately notify the Planning Authority in writing of that situation and shall, if the Planning Authority direct in writing, decommission the development and reinstate the site to the specification and satisfaction of the Planning Authority in accordance with an approved Decommissioning, Restoration, and Aftercare Plan, which shall be based on the principles of the Decommissioning, Restoration, and Aftercare Strategy

approved under Condition 11 of this permission and updated according with the relevant guidance and best practice at the time. The Planning Authority shall have due regard to the circumstances surrounding the failure to store electricity.

(4) At the time of the development's decommissioning, the development shall be decommissioned, the site restored, and aftercare undertaken in accordance with the approved Decommissioning, Restoration, and Aftercare Plan.

Reason: In order to clarify the terms of the planning permission and ensure the development proceeds as approved. To secure the decommissioning and removal of the development in an appropriate and environmentally responsible manner along with the restoration of the site in the interests of safety, amenity, and environmental protection.

10. **Final Layout, Design, and Specifications**

(1) No development shall commence unless and until full siting and design details of the development including all proposed battery cabinets, buildings, and ancillary infrastructure hereby permitted, have been submitted to, and approved in writing by, the Planning Authority. These details shall include:

a) the make, model, design, power rating, sound power level of the batteries, the dimensions of the battery storage cabinets and ancillary infrastructure, control building, storage and office facilities to be installed, and show separation distances between battery storage units which shall comply with the prevailing fire safety legislation and best practice guidelines at the time of installation.

b) the external colour and/or finish of the storage containers, buildings, and ancillary infrastructure on site, which shall have a dark-neutral, non-reflective, semi-matte finish.

c) Dimensioned plans (and swept path) showing access and turning within the site to enable safe access/egress in a forward gear.

d) Dimensioned plans showing the parking layout and a statement justifying the parking provision during construction.

(2) No element of the development shall have any text, sign or logo displayed on any external surface, save those required by law under other legislation.

(3) Thereafter, the storage cabinets, buildings, and ancillary infrastructure shall be installed and operated in accordance with these approved details and, with reference to part (b) above, the storage containers, buildings, and ancillary infrastructure shall be maintained in the approved colour, free from rust, staining or discolouration until such time as the development is decommissioned. All cables between the storage containers, buildings, and ancillary infrastructure shall be installed and kept underground.

Reason: To ensure the Planning Authority is aware of the development details and to protect the visual amenity of the area.

11. **Decommissioning, Restoration, and Aftercare**

(1) No development shall commence unless and until a Decommissioning, Restoration, and Aftercare Strategy has been submitted to, and approved in writing by, the Planning Authority. The strategy shall outline measures for the

decommissioning of the development along with the restoration and aftercare of the site, and shall include proposals for the removal of individual components of the development as well as the development as a whole as well as the treatment of ground surfaces, and, the management and timing of the works and environmental management provisions which shall include, but not be limited to, the following:

a) site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases);

b) details of measures to be taken to prevent loose or deleterious material being deposited on the local road network, including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;

c) a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site;

d) details of measures for soil storage and management;

e) a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;

f) temporary site illumination;

g) management and timing of the works; and

h) a traffic management plan to address any traffic impact issues during the decommissioning period.

Reason: To ensure the decommissioning and removal of the development, along with the site's restoration in an appropriate and environmentally responsible manner in the interests of safety, amenity, and environmental protection.

12. **Financial Guarantee**

No development shall commence until:

(1) Full details of a guarantee, bond or other financial provision to be put in place to cover all of the decommissioning and site restoration measures outlined in the Decommissioning and Restoration Plan approved under Condition 11 of this permission have been submitted to, and approved in writing by, the Planning Authority. For the avoidance of doubt the bond must be able to be called upon by The Highland Council and be enforceable against the operator and landowner and/or leaseholder; and

(2) Confirmation in writing by a suitably qualified independent professional that the amount of financial provision proposed under part (1) above is sufficient to meet the full estimated costs of all decommissioning, dismantling, removal, disposal / recycling, site restoration, remediation and incidental work, as well as associated professional costs, has been submitted to, and approved in writing by, the Planning Authority; and

(3) Documentary evidence that the guarantee, bond or other financial provision approved under parts (1) and (2) above is in place has been submitted to, and confirmation in writing that the financial provision is satisfactory has been issued by, the Planning Authority;

(4) Thereafter, the Operator, and Leaseholder and/or Landowner, shall:

a) Ensure that the guarantee, bond or other financial provision is maintained throughout the duration of this permission; and

b) Pay for the guarantee, bond or other financial provision to be subject to a review five years after the commencement of development and every five years thereafter until such time as the development is decommissioned and the site restored.

(5) Each review shall be:

a) conducted by a suitably qualified independent professional; and

b) published within three months of each five-year period ending, with a copy submitted upon its publication to both the landowner(s) and the Planning Authority; and

c) approved in writing by the Planning Authority without amendment or, as the case may be, approved in writing by the Planning Authority following amendment to their reasonable satisfaction.

Where a review approved under part (c) above recommends that the amount of the guarantee, bond or other financial provision should be altered (be that an increase or decrease) or the framework governing the bond or other financial provision requires to be amended, the Operator, and Leaseholder and/or Landowner shall do so within one month of receiving that written information, or another timescale as may be agreed in writing by the Planning Authority, and in accordance with the recommendations contained therein.

Reason: To ensure that there are sufficient funds to secure the implementation of the Decommissioning, Restoration, and Aftercare Plan at the time of the development's decommissioning.

13. **Drainage**

No development shall commence until details of the final drainage design (including final ground levels and discharge rates information) have been submitted to, and approved in writing by, the Planning Authority, that demonstrate that runoff from a 1 in 200 year plus climate change event can be safely managed within the site boundary without increasing flood risk to others. For the avoidance of doubt discharge shall be limited to the pre-development greenfield Qbar rate for all storms up to and including a 1 in 200 year storm event. Thereafter, the development shall be constructed in accordance with the approved details, which shall be made available for use prior to the development's first occupation and maintained in perpetuity.

Reason: In order to ensure the site is adequately drained in accordance with the principles of Sustainable Urban Drainage Systems.

14. **Sustainable Urban Drainage Systems**

No development shall commence until full details of all surface water drainage provision within the application site (which shall accord with the principles of Sustainable Urban Drainage Systems (SUDS) and be designed to the standards outlined in Sewers for Scotland Fourth Edition, or any superseding guidance prevailing at the time) shall have been submitted to, and approved in writing by, the

Planning Authority. For the avoidance of doubt, the details shall include the final drainage design for all new hardstanding on the site. Thereafter, only the approved details shall be implemented, and all surface water drainage provision shall be completed prior to the first occupation of any of the development.

Reason: To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

15. **External Lighting**

No development shall commence until full details of any external lighting to be used within the site and/or along its boundaries and/or access have been submitted to, and approved in writing by, the Planning Authority. Such details shall include full details of the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any direct illumination, glare or light spillage outwith the site boundary.

Any lighting associated with the development including any floodlighting must not interfere with the sighting of signalling apparatus and/or train drivers' vision on approaching trains. Thereafter only the approved details shall be implemented.

Reason: In the interests of visual amenity, to prevent permanent lighting and minimise light pollution and to ensure the development does not have an adverse impact on residents and nocturnal animals; to ensure any lighting associated with the development does not interfere with the safe operation of the rail network.

16. **Habitat Management Plan (HMP)**

(1) No Development shall commence unless and until a Habitat Management Plan (HMP) has been submitted to, and approved in writing by, the Planning Authority. The HMP shall set out the proposed habitat management of the site including full details of biodiversity enhancement measures.

(2) The HMP shall provide for the maintenance, monitoring, and reporting of the habitat within the HMP area.

(3) The HMP shall include provision for regular monitoring and review to be undertaken against the HMP objectives and measures for securing amendments or additions to the HMP in the event that the HMP objectives are not being met.

(4) Unless and until otherwise agreed in advance in writing with the Planning Authority, the approved HMP (as amended from time to time with written approval of the Planning Authority) shall be implemented within 12 months of following ground works commencing on site and shall remain in place for a minimum of 30 years.

(5) GIS shapefiles of HMP areas shall be supplied with the HMP to the Planning Authority prior to the commencement of works.

Reason: To ensure that the development secures positive effects for biodiversity in accordance with NPF4 and to allow the Planning Authority to map areas of compensation and enhancement.

17. **Biodiversity Net Gain**

No development shall commence until details of a scheme of hard and soft landscaping works have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:

a) All earthworks and existing and finished ground levels in relation to an identified fixed datum point;

b) A plan showing existing landscaping features and vegetation to be retained;

c) The location and design, including materials, of any existing or proposed walls, fences and gates;

d) All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and

e) A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

Reason: In the interests of Biodiversity Net Gain.

18. **Species Protection**

(1) No development or Site Enabling Works shall commence until pre-construction ecological surveys are undertaken, which shall be undertaken at the appropriate time of year and no more than 3 months prior to works commencing on site, and a report of the survey has been submitted to, and approved in writing by, the Planning Authority. The surveys shall cover the application site including an appropriate buffer from its boundary.

(2) In the event that works are intended to be carried out within the main bird breeding season, March through August inclusive, surveys for ground nesting birds shall be undertaken no more than 24 hours prior to any works commencing on site including site clearance works.

(3) Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contain therein.

Reason: In the interest of protecting ecology, protected species including nesting birds, and their habitats.

19. **Construction Environment Management and Pollution Protection Plan (CEMPPP)**

No development shall commence until a Construction Environment Management and Pollution Protection Plan (CEMPPP) has been submitted to and approved in writing by the Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved CEMPPP, subject to any variations approved in writing by the Planning Authority. The CEMPPP shall include:

a) details of the phasing of construction works;

b) details of any temporary site construction compound including temporary structures/buildings, fencing, parking and storage provision to be used in connection with the construction of the development;

c) details and implementation and a timetable for post construction restoration/reinstatement of the temporary working areas, and the construction compound;

d) details of the method of construction and erection of the structures and any underbuilding/platforms;

e) details of pollution control: protection of the water environment, bunding of fuel storage areas, surface water drainage, sewage disposal and discharge of foul drainage;

f) details of temporary site illumination during the construction period;

g) details of timing of works;

h) details of surface treatments and the construction of all hard surfaces and access tracks between each element of the proposed development This shall include details of the tracks in a dark, non-reflective finish with details of the chemical properties of any and all imported stone provided;

i) details of routeing of onsite cabling;

j) details of emergency procedures and pollution response plans;

k) siting and details of wheel washing facilities;

l) cleaning of site entrances, site tracks and the adjacent public highway and the sheeting of all HGVs taking spoil or construction materials to/from the site to prevent spillage or deposit of any materials on the highway;

m) details of working practices for protecting nearby residential dwellings, including general measures to control noise and vibration arising from on-site activities, to be adopted as set out in British Standard 5228 Part 1: 2009;

n) a Species Protection Plan;

o) details of measures to reduce the risk of invasive non-native species being introduced/spread, such as via SUDs or contaminated vehicles from other sites;

p) details of areas on the site designated for the storage, loading, off-loading, parking and manoeuvring of heavy duty plant, equipment and vehicles; and,

q) details of how the best practicable measures will be implemented to reduce the impact of construction noise at noise sensitive locations.

Reason: To ensure that construction works are undertaken in accordance with applicable standards in the interests of environmental protection, amenity, and safety.

20. **Construction Traffic Management Plan (CTMP)**

(1) No development shall commence on site until a Construction Traffic Management Plan has been submitted to, and approved in writing by, The Council in consultation with Transport Scotland. A single framework CTMP shall include this development with consideration also given to surrounding schemes including Knocknagael Substation extension, Beauly to Peterhead overhead line upgrade and Loch na Cathrach Pumped Storage Hydro scheme grid connection. The CTMP shall include:

a) An appropriate detailed AIL assessment for the movement of infrastructure into and out of this site, identifying any temporary or permanent changes required to the local public road network to physically and safely accommodate such vehicle movements;
b) Scheduling and timing of movements, respecting any large public event taking place in the local area which would be unduly affected or disrupted by construction vehicles using the public road network Avoiding the movement of commercial goods vehicles along the local public road network during the drop-off and pick-up times of the local schools;
c) Traffic management measures on the routes to site for construction traffic. Measures such as temporary speed limits, suitable temporary signage, road markings and the use of speed activated signs and banksman/escort details should be considered. During the delivery period of construction materials any additional signing or temporary traffic control measures deemed necessary due to the size or length of any loads being delivered or removed must be undertaken by a recognised Quality Assured traffic management consultant, to be approved by Transport Scotland and the Local Roads Authority before delivery commences;
d) Appropriate steps to effectively coordinate traffic movements with other developments that could be impacting on the same construction access route as this proposal, avoid convoying of larger / heavier commercial goods vehicles along local public roads and avoid convoying;
e) A procedure for the regular monitoring of road conditions and the implementation of any remedial works required during the construction period;
f) Measures to ensure that all affected public roads are kept free of mud and debris arising from the development;
g) Ensure that effective access can be provided to all existing properties and businesses who are also reliant on the roads impacted by this development;
h) The provision of a wear and tear agreement under Section 96 of the Roads (Scotland) Act 1984 under which the developer will be responsible for the repair of any damage to the local road network attributable to construction related traffic. As part of the agreement, pre-start and post construction road condition surveys must be carried out by the developer to the satisfaction of the Roads Authority;
i) Provisions for emergency vehicle access;
j) A timetable for implementation of the measures detailed in the CTMP;
k) Identification of quarries/suppliers for materials such as aggregate and concrete;

l) Estimate of volume of and type of materials that must be imported for each site;
m) Estimate of load size for each type of material;
n) Estimate of the number of HGVs for each stage of construction;
o) Number and type of abnormal loads;
p) Clarification of construction routes and port of entry if applicable;
q) Dates for key activities within construction programmes for the proposed works along with the other schemes noted;
r) Identification of a nominated person to whom any road safety issues can be referred and measures for keeping the Community Council informed and dealing with queries and any complaints regarding construction traffic ensuring effective lines of communication with existing residents, businesses and appropriate local representation.

(2) In the event that Abnormal Indivisible Loads (AIL) are required, prior to the delivery of any AIL to the site, the CTMP shall be updated to include the proposed route for any AIL on the public road network along with any accommodation measures required, including the removal of street furniture, junction widening, and traffic management measures.

Thereafter the approved CTMP shall be implemented in full prior to development commencing and remain in place until the development is complete.

Reason: In the interests of road safety and to ensure adequate road safety measures are in place including measures to minimise conflict with routes to schools, cyclists and local events and to mitigate the adverse impact of construction traffic on the safe and efficient operation of the trunk road network.

21. **Access Improvements**

No development shall commence until a plan detailing the extent of proposed improvements to Essich Road (C1064) and Biorraid Road (U1096) including:

a) Strip widening to sections of Essich Road and Biorraid Road U1096 to achieve a 3.3m carriageway;
b) Intervisible passing places measuring 6m by 20m with 12m tapers along the entire routes no greater than 150m. These will be a combination of new passing places and upgrades to existing;
c) New passing place road signs at each location;
d) New dedicated active travel facilities alongside Essich Road around the scattered properties where Big Burn crosses beneath the road;
e) Traffic management / road safety scheme to manage the impacts of such traffic around the Big Burn developed in consultation with local residents and Transport Planning;
f) Enhancements to the off-road active travel facilities between Torbreck Road and the southern junction of Holm Dell Drive to enable cyclists to safely share the route with pedestrians;
g) Full structural surface course overlay applied along the entire route to strengthen the road for increased vehicle loads;
h) Enhancement to the existing speed limit gateway on Essich Road to reinforce the need to reduce speeds; and
i) Enhancement to the Torbreck Road / Essich Road junction to ensure that there is adequate visibility.

Thereafter, the improvement works shall be implemented either prior to the main construction works commencing, or within 4 months of the commencement of development, whichever is the sooner unless otherwise agreed in writing by the Planning Authority in consultation with the Roads Authority.

Reason: To ensure the road is enhanced and thereafter maintained to safely accommodate the increased traffic arising from the construction traffic associated with this development and existing road users.

22. **Abnormal Loads**

Prior to commencement of deliveries to site, the proposed route for any abnormal loads on the road network shall be submitted to and approved in writing by the Planning Authority, in consultation with Transport Scotland and the local Roads Authority. The development shall be undertaken in accordance with the agreed details.

Reason: To minimise interference and maintain the safety and free flow of traffic on the road network as a result of the traffic moving to and from the development.

23. **Accommodation of Abnormal Loads**

Prior to the movement of any abnormal load, any accommodation measures required on the road network, including the removal of street furniture, junction widening and traffic management shall be approved and implemented to the satisfaction of the Planning Authority, in consultation with Transport Scotland and the local Roads Authority.

Reason: To minimise interference and maintain the safety and free flow of traffic on the road network as a result of the traffic moving to and from the development.

24. **Temporary Traffic Measures**

Prior to the movement of any components and/or construction materials, any additional signing or temporary traffic control measures deemed necessary on the road network due to the size or length of any loads being transported shall be undertaken by a recognised QA traffic management consultant, to be approved by Transport Scotland and the local Roads Authority.

Reason: To ensure that the transportation of any components/materials will not have any detrimental effect on the road and structures along the route.

25. **Culvert Replacement**

No development shall commence until full details of the culvert replacement, including levels, headwalls, ditches and pavement reinstatement, have been submitted to, and approved in writing by, the Planning Authority. Thereafter, only the approved details shall be implemented.

Reason: To ensure that flood mitigation measures are provided.

26. **Noise Impact Assessment**

Prior to the commencement of the development, the applicant shall submit an updated noise impact assessment for the approval of the Planning Authority, in consultation with Highland Council's Environmental Health Team. The assessment should include but is not limited to the following:

- Full details of the specific plant that is to be installed on site and the predicted Rating Levels, derived in accordance with BS 4142:2014+A1:2019), at the curtilage of the nearest residential noise sensitive receptors (as existing at the date of consent of the deemed planning permission).
- Full details of all mitigation required to ensure that a Rating Level of no more than 31 dB LAeq (1 hour) during the daytime and 31 dB LAeq (15mins) during the night-time is achieved at the nearest residential noise sensitive receptors (as existing at the date of consent of the deemed planning permission)

The development shall thereafter be undertaken in accordance with the agreed details.

Reason: In the interest of safeguarding community and residential amenity.

27. **Operational Noise**

The Rating Level of noise arising from the use of plant, machinery or equipment installed or operated in association with this development shall not exceed 31dB as measured or calculated at the curtilage of any noise sensitive premises. The Rating Level shall be calculated in accordance with BS 4142: 2014+A1:2019 Methods for rating and assessing industrial and commercial sound.

Reason: In the interest of safeguarding community and residential amenity.

28. **Operational Noise**

Within 21 days of the site becoming fully operational, the site operator shall, at its expense, employ an independent consultant to assess the level of noise in terms of compliance with Condition 27. The site operator shall submit the report of the independent consultant's assessment for the approval of the Planning Authority, in consultation with Highland Council's Environmental Health Team, within 2 months of receiving the written request. If the noise level exceeds the prescribed noise limits, the assessment report shall include a scheme of mitigation to be enacted, including timescales for implementation, to ensure compliance with Condition 27. Details of the proposed compliance monitoring, including any proposals to use proxy monitoring locations, must be agreed in writing beforehand by the Planning Authority. The development shall thereafter be undertaken in accordance with the agreed details.

Reason: In the interest of safeguarding community and residential amenity.

29. **Operational Noise**

Prior to the development becoming operational, if there are any changes to the proposed equipment or mitigation measures which could result in an increased noise level, a revised noise impact assessment shall be submitted to and approved in writing by the Planning Authority in consultation with Highland Council's

Environmental Health Team. The development shall thereafter be undertaken in accordance with the agreed details.

Reason: In the interest of safeguarding community and residential amenity.

30. **Construction Noise and Vibration Management Plan**

A construction noise mitigation scheme which demonstrates how the applicant/contractor will ensure the best practicable measures are implemented in order to reduce the impact of construction noise shall be submitted for the approval in writing of the Planning Authority, in consultation with Highland Council's Environmental Health Team, prior to the commencement of development. The scheme shall include, but is not limited to the following:

- A description of the most significant noise sources in terms of equipment; processes or phases of construction.
- The proposed operating hours and the estimated duration of the works for each phase.
- A detailed plan showing the location of noise sources, noise sensitive premises and any survey measurement locations if required).
- A description of noise mitigation methods that will be put in place including any proposals for community liaison. The best practice found in BS5228 Code of practice for noise and vibration control on construction and open sites should be followed. Any divergence requires to be justified.

Reason: In the interest of safeguarding community and residential amenity.

31. **Dust Mitigation**

Prior to the commencement of any construction, the applicant shall submit for the written approval of the Planning Authority a dust suppression scheme. The development shall thereafter be undertaken in accordance with the agreed details.

Reason: In the interest of safeguarding community and residential amenity.

32. **Private Water Supply**

A private water supply risk assessment which identifies any supply, including pipework, which may be adversely affected by the development shall be submitted for the approval in writing of the Planning Authority prior to the commencement of development. A report which includes details of the measures proposed to prevent contamination or physical disruption shall thereafter be submitted for the written approval of the Planning Authority. The report shall include details of any monitoring prior to, during and following construction and proposals for contingency measures in the event of an incident. Highland Council has some information on known supplies which can be provided on request however, it is not definitive. An on-site survey will be required.

Reason: To ensure that an adequate water supply can be provided to meet the requirements of the proposed development and, where relevant, without compromising the interests of other users of the same or nearby private water supplies.

33. **Record Keeping**

The Operator shall, at all times after the first commissioning of the development, record information regarding the details of power stored and generated, inclusive of dates and times of any failures, and retain the information in perpetuity. The information shall be made available to the Planning Authority within one month of any request by them.

Reason: To ensure end of life decommissioning of the site.

34. **Socio-Economic Benefit**

Prior to the commencement of envelopment, a Local Employment Scheme for the construction of the development shall be submitted to and agreed in writing by the Planning Authority. The submitted Scheme shall make reference to the supporting Social Value Charter Statement (dated December 2024).

The Scheme shall include the following:

a) details of how the initial staff/employment opportunities at the development will be advertised and how liaison with the Council and other local bodies will take place in relation to maximising the access of the local workforce to information about employment opportunities;

b) details of how sustainable training opportunities will be provided for those recruited to fulfil staff/employment requirements including the provision of apprenticeships or an agreed alternative;

c) a procedure setting out criteria for employment, and for matching of candidates to the vacancies;

d) measures to be taken to offer and provide college and/or work placement opportunities at the development to students within the locality;

e) details of the promotion of the Local Employment Scheme and liaison with contractors engaged in the construction of the development to ensure that they also apply the Local Employment Scheme so far as practicable having due regard to the need and availability for specialist skills and trades and the programme for constructing the development;

f) a procedure for monitoring the Local Employment Scheme and reporting the results of such monitoring to the Council; and

g) a timetable for the implementation of the Local Employment Scheme.

Thereafter, the development shall be implemented in accordance with the approved scheme.

Reason: In order to ensure compliance with NPF4 Policy 11c) and to maximise the local socio-economic benefits of the development to the wider community. To make provision for publicity and details relating to any local employment opportunities.

35. **Battery Safety Management Plan**

No development shall commence until a full Battery Safety Management Plan has been submitted to and approved in writing by the Planning Authority. Thereafter the

construction of the development shall only be carried out in strict accordance with the approved Plan's specifications.

Reason: In the interests of safety and environmental protection.

36. **Archaeology**

No works in connection with the development hereby approved shall commence unless an archaeological Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the Planning Authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied or brought into use unless a Post-Excavation Research Design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the Planning Authority. The PERD shall be carried out in complete accordance with the approved details.

Reason: In order to protect the archaeological and historic interest of the site

37. **Environmental Clerk of Works (EnvCoW)**

An Environmental Clerk of Works (EnvCoW) will incorporate the roles of an Ecological Clerk of Works (ECoW).

There shall be no Commencement of Development unless and until the terms of appointment of an independent Environmental Clerk of Works (EnvCoW) by the Company have been submitted to, and approved in writing by, the Planning Authority. This shall include a EnvCoW schedule, detailing when the EnvCoW shall be present on site. For the avoidance of doubt, the EnvCoW shall be appointed as a minimum for the period from the commencement of development to the final commissioning of the development and their remit shall, in addition to any functions approved in writing by the Planning Authority, include (but not be limited to):

a) Impose a duty to monitor compliance with the environmental commitments provided in the EIA Report as well as the following (the EnvCoW works):
    i. the Pre-Construction Ecological Survey under Condition 18;
    ii. the Construction Environment Management and Pollution Protection Plan (CEMPPP) under Condition 19;
    iii. the Habitat Management Plan under Condition 16.
b) Providing training to the developer and contractors on their responsibilities to ensure that work is carried out in strict accordance with environmental protection requirements;
c) Require the EnvCoW to report to the nominated construction project manager any incidences of non-compliance with the EnvCoW works at the earliest practical opportunity;

d) Require the EnvCoW to report to the Planning Authority any incidences of non-compliance with the EnvCoW Works at the earliest practical opportunity

e) Maintains a Register of all inspections and audits, to include an inventory of all measures on the site, their effectiveness, as well as any advice provided;

f) Require the EnvCoW to report to the Planning Authority monthly, with a concise summary of the actions on site.

g) Require a statement that the EnvCoW shall be engaged by the Planning Authority but funded by the developer.

The EnvCoW shall be appointed on the approved terms throughout the period from Commencement of Development to completion of construction works and post-construction site reinstatement works.

Reason: To secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the Development during the construction phase.

38. **Tree Protection Plan**

No development, site excavation or groundwork shall commence until Tree Protection Plans in accordance with BS 5837:2012 (Trees in Relation to Design, Demolition and Construction) shall have been submitted to and subsequently approved in writing by the Planning Authority. Thereafter, all retained trees shall be protected against construction damage using protective barriers located as per the approved Tree Protection Plans. These barriers shall remain in place throughout the construction period and shall not be moved or removed during the construction period without the prior written approval of the Planning Authority.

Reason: In order to ensure the protection of retained trees and woodlands, which are important amenity assets, both during construction and thereafter.

39. **Arboricultural Consultant**

A suitably qualified Arboricultural consultant shall be employed by the applicant to produce a detailed Arboricultural Method Statement (AMS) which details how the trees on site are to be protected and also to ensure that the approved Tree Protection Plan is implemented to the agreed standard. Stages requiring supervision shall be set out in the AMS for the written agreement of the Planning Authority and certificates of compliance for each stage shall be submitted for approval.

Reason: To ensure the protection of retained trees throughout the construction period.

40. **Landscaping Plan**

No development shall commence until a detailed Landscaping Plan and maintenance programme has been submitted to and approved by the Planning Authority. The Landscaping Plan shall be implemented in full during the first planting season following commencement of development or as otherwise agreed in writing by the Planning Authority.

Reason: In the interests of amenity.

41. **Landscape Consultant**

A suitably qualified landscape consultant shall be employed to ensure that the approved Landscaping Plan is implemented to the agreed standard. Stages requiring supervision are to be agreed with the Planning Authority and certificates of compliance for each stage shall be submitted for approval.

Reason: In the interests of amenity.

42. **Community Liaison Group**

No development shall commence until a community liaison group shall have been established by the applicant, in collaboration with the Planning Authority and affected local Community Councils.

The group shall act as a forum for the community to be kept informed of project progress and, in particular, should allow advanced dialogue on the provision of all transport related mitigation measures and to keep under review the timing of the delivery of abnormal loads and performance of the Construction Traffic Management Plan.

This shall also ensure that local events and tourist seasons are considered and appropriate measures to co-ordinate deliveries and work with these and any other major / national projects in the area to ensure no conflict between construction traffic and the increased traffic generated by such events / seasons / developments.

The liaison group, or element of any combined liaison group relating to this development, shall be maintained until the construction of the development and all site infrastructure becomes fully operational.

Reason: To assist project implementation, ensuring community dialogue and the delivery of appropriate mitigation measures for example to minimise potential hazards to road users, including pedestrians, travelling on the road networks.

43. **Planning Monitoring Officer**

No development shall commence until the Planning Authority has approved in writing the terms of appointment by the applicant of a suitably qualified environmental specialist to assist the Planning Authority in monitoring compliance with the planning permission and conditions attached to this consent. The terms of Planning Monitoring Officer (PMO) appointment shall:

a) Impose a duty to monitor compliance with the planning permission and conditions attached to this consent;

b) Require the PMO to submit a report at least every three months to the Planning Authority, or monthly at the further written request of the Planning Authority, summarising works undertaken on site; and

c) Require the PMO to report to the Planning Authority any incidences of non-compliance with the planning permission and conditions attached to this consent at the earliest practical opportunity.

The PMO shall be appointed on the approved terms throughout the period from the commencement of development to completion of post construction restoration works.

Reason: To enable the development to be suitably monitored to ensure compliance with the consent issued.

REASON FOR DECISION

All relevant matters have been taken into account when appraising this application. It is considered that, subject to the conditions suggested below, the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

Signature:	Bob Robertson
Designation:	(Acting) Planning Manager – South
Author:	Roddy Dowell
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 – Location Plan 002.1 Rev 05
	Plan 2 – Site Layout Plan 001.1 Rev 03
	Plan 3 – Substation Compound Elevations 005.5 Rev 0
	Plan 4 – Western BESS Compound Elevations 005.6 Rev 0
	Plan 5 – Southern BESS Compound Elevations 005.7 Rev 0

Appendices: Appendix 1 – Letters of Representation
Appendix 2 - Development Plan and Other Material Policy Considerations
Appendix 3 - Compliance with the Development Plan / Other Planning Policy

Appendix 2 – Development Plan and Other Material Policy Considerations

DEVELOPMENT PLAN

National Planning Framework 4 (NPF4) (2023)

A3.1 The NPF4 policies of most relevance to this proposal include:

1 - Tackling the climate and nature crisis.
2 - Climate mitigation and adaptation
3 - Biodiversity
4 - Natural places
5 - Soils
6 - Forestry, Woodland and Trees
7 - Historic assets and places
11 - Energy
12 - Zero waste
13 - Sustainable transport
18 - Infrastructure first
20 - Blue and green infrastructure
22 - Flood risk and water management
23 - Health and safety
25 - Community wealth benefits
26 - Business and industry
29 - Rural development
33 - Minerals

Highland Wide Local Development Plan (HWLDP) 2012

A3.2 28 - Sustainable Design
29 - Design Quality and Place-making
30 - Physical Constraints
31 - Developer Contributions
36 – Development in the Wider Countryside
51 - Trees and Development
52 - Principle of Development in Woodland
53 – Minerals
54 – Mineral Wastes

55 - Peat and Soils

56 - Travel

57 - Natural, Built and Cultural Heritage

58 - Protected Species

59 - Other Important Species

60 - Other Important Habitats and Article 10 Features

61 - Landscape

62 - Geodiversity

63 - Water Environment

64 - Flood Risk

65 – Waste Water Treatment

66 - Surface Water Drainage

67 - Renewable Energy Developments

72 - Pollution

73 - Air Quality

74 - Green Networks

77 - Public Access

78 - Long Distance Routes

Inner Moray Firth Local Development Plan 2 (IMFLDP2) (2024)

A3.3 1 – Low and Zero Carbon Development

2 – Nature Protection, Restoration and Enhancement

9 – Delivering Development and Infrastructure

Other Highland Council Supplementary Guidance

A3.4

- Biodiversity Enhancement Planning Guidance (May 2024)
- Developer Contributions (Nov 2018)
- Flood Risk and Drainage Impact Assessment (Jan 2013)
- Green Networks (Jan 2013)
- Highland Historic Environment Strategy (Jan 2013)
- Highland's Statutorily Protected Species (Mar 2013)
- Physical Constraints (Mar 2013)
- Roads and Transport Guidelines for New Developments (May 2013)
- Sustainable Design Guide (Jan 2013)
- Special Landscape Area Citations (June 2011)

- Standards for Archaeological Work (Mar 2012)
- Sustainable Design Guide (Jan 2013)

OTHER MATERIAL POLICY CONSIDERATIONS

A3.5 Apart from the components of the approved Development Plan outlined above, the Stratherrick and Foyers Local Place Plan applying to the wider surrounding area is now registered and is a relevant statutory consideration. It defines collective community aspirations which should be useful for applicants, consultees and Scottish Government in assessing and addressing community benefit and wealth building issues.

Emerging Highland Council Development Plan Documents and Planning Guidance

A3.6 The Highland-wide Local Development Plan is currently under review and is at Main Issues Report Stage. It is anticipated the Proposed Plan will be published following publication of secondary legislation post National Planning Framework 4.

A3.7 In addition, the Council has further advice on delivery of major developments in a number of documents which includes Construction Environmental Management Process for Large Scale Projects (Aug 2010).

Other National Guidance

A3.8
- Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 – interim and annual targets replaced by Climate Change (Emissions Reduction Targets) (Scotland) Bill in November 2024
- Climate Change Committee Report to UK Parliament (July 2024)
- UK Government Clean Power Action Plan (Dec 2024)
- Draft Energy Strategy and Just Transition Plan (2023)
- Draft Scottish Biodiversity strategy to 2045: tackling the nature emergency (2023)
- Scottish Energy Strategy (2017)
- 2020 Routemap for Renewable Energy (2011)
- Energy Efficient Scotland Route Map, Scottish Government (2018)
- Historic Environment Policy for Scotland, HES (2019)
- PAN 1/2011 - Planning and Noise (2011)
- PAN 60 – Planning for Natural Heritage (2008)
- Circular 1/2017: Environmental Impact Assessment Regulations (2017)
- PAN 68 – Design Statements (Aug 2003)
- Health and Safety Guidance for Grid Scale Electrical Energy Storage Systems' (UK Government, Mar 2024)

- National Fire Chiefs Council’s guidance - Guidance on Grid Scale Battery Energy Storage System planning (Nov 2022) (‘the NFCC guidance’) and a related draft revision (Jul 2024)

Appendix 3 - Compliance with the Development Plan / Other Planning Policy

National Policy

A4.1 NPF 4 forms part of the Development Plan and was adopted in February 2023. It comprises three parts:

- Part 1 – sets out an overarching spatial strategy for Scotland in the future. This includes spatial principles, national and regional spatial priorities, and action areas;
- Part 2 – sets out policies for the development and use of land to be applied in the preparation of local development plans; local place plans; masterplans and briefs; and for determining the range of planning consents. This part of the document should be taken as a whole in that all relevant policies should be applied to each application; and
- Part 3 – provides a series of annexes that give the rationale for the strategies and policies of NPF4, it outlines how the document should be used, and sets out how the Scottish Government will implement the strategies and policies.

A4.2 **Part 1 - the Spatial Strategy** explains the unprecedented national challenges and need to reduce greenhouse gas emissions and adapt to future impacts of climate change. It sets out that that Scotland's environment is a national asset which supports the nation's economy, identity, health and wellbeing and explains that choices need to be made on sustainable use of natural assets in a way which benefits communities. The spatial strategy reflects legislation in setting out decisions required in the long-term public interest. However, in doing so it is clear that the right choices about where development should be located need to be made to ensure clarity over the types of infrastructure provided and the assets that should be protected to ensure they continue to benefit future generations. The Spatial Priorities support the planning and delivery of sustainable places to reduce emissions, restore and better connect biodiversity; liveable places for better and healthier lives; and productive places where there is a greener, fairer and more inclusive wellbeing economy.

A4.3 At the national level, NPF4 considers that strategic renewable electricity generation and transmission infrastructure will assist in the delivery of the Spatial Strategy and Spatial Priorities for the north of Scotland, and that Highland can continue to make a strong contribution toward meeting Scotland's ambition for net zero. Alongside these ambitions, the strategy for Highland aims to protect environmental assets as well as to stimulate investment in natural and engineered solutions to address climate change. This aim is not new and will clearly require a balancing exercise to be undertaken, which is reflected throughout NPF4.

A4.4 **Part 2 – Policies: NPF4 Policies 1, 2, and 3** now apply to all development proposals Scotland-wide, which means that significant weight must be given to the global climate and nature crises when considering all development proposals, as required by NPF4 Policy 1. To that end, development proposals must be sited and designed to minimise lifecycle greenhouse gas emissions as

far as is practicably possible in accordance with NPF4 Policy 2, while contributing to the enhancement of biodiversity, as required by NPF4 Policy 3.

A4.5 NPF4 Policy 3 Biodiversity intends to protect biodiversity, reverse biodiversity loss, deliver positive effects and strengthen nature networks. Under NPF4's policy emphasis on biodiversity, all forms of development are required to include appropriate measures to conserve, restore and enhance biodiversity proportionate to the nature and scale of development. The requirement to deliver biodiversity enhancement is a new duty.

A4.6 Highland Council's Biodiversity Enhancement Planning Guidance was adopted in 2024 and is a material consideration. It is aimed at developers, agents, architects and their consultants. The guidance explains the approach that is required by the Highland Council to deliver biodiversity conservation, restoration and enhancement through the planning system. This guidance has been prepared to support the application of the National Planning Framework 4 (NPF4) and is intended to be used in conjunction with relevant national and local policy and planning guidance. Scottish Government has published draft biodiversity planning guidance setting out the Scottish Ministers' expectations for implementing NPF4 policies which support the cross-cutting NPF4 outcome "improving biodiversity".

A4.7 In September 2023, the Scottish Government released independent research conducted by SRUC on "Approaches to Measuring Biodiversity in Scotland". The report's findings and recommendations propose practical steps for achieving a consistent, cross-government approach to measuring biodiversity at the site level. Specifically targeting the planning sector, NatureScot has initiated efforts to create an adapted biodiversity metric tailored for supporting the implementation of Policy 3b in National Planning Framework 4. This new tool aims to assist developers and planning authorities in evaluating the biodiversity enhancements resulting from developments. It will be applicable to major development projects, aligning with the goals of NPF4. While based on a metric utilised in England, it will be refined to suit Scotland's requirements.

A4.8 The design of the proposed development has sought to implement the NPF4 Mitigation Hierarchy with steps taken for avoidance and minimisation, prior to restoration and offsetting. It is noted that the proposed development would lead to a significant creation / restoration of mixed scrub (including juniper), species diverse grassland and planting of broadleaved tree species. The proposed ecological compensation and enhancement measures are noted in the Ecology and Biodiversity Enhancement Assessment.

A4.9 While NPF4 considers national developments as a focus for delivery, they should also be exemplars of the community wealth building approach to economic development. The intent of NPF4 Policy 25 Community wealth building is to encourage, promote and facilitate a new strategic approach to economic development that also provides a practical model for building a wellbeing economy at local, regional and national levels. NPF4 Policy 25 supports the following proposals:

- Development proposals which contribute to local or regional community wealth building strategies and are consistent with local economic priorities will be supported. This could include for example improving community resilience and reducing inequalities; increasing spending within communities; ensuring the use of local supply chains and services; local job creation; supporting community led proposals, including creation of new local firms, and enabling community led ownership of buildings and assets.

Development proposals linked to community ownership and management of land will be supported. Following consultation, the Highland Council's Community Wealth Building Strategy 2024-2027 was agreed by the Council on 19 September 2024. The strategy provides a framework that sets out how the Council will utilise different activities to maximise the impact of investment in local areas and support more local ownership of assets and wealth. The finalised version of the strategy will be uploaded to the Council's website in due course.

A4.10 The applicant's proposed continuation of conversations with local stakeholders in regard to local housing could align well with a number of the objectives noted in the Community Wealth Building Strategy 2024-2027. The Socio-Economic Impact Assessment submitted in support of the application notes the capital expenditure (Capex) of the project is approximately £100 million (at 2024 prices). From this figure an estimated £20 million of which would be spent in Scotland, and £7 million of which would be spent in Highland. During construction, the applicant's evaluation of the socio-economic impact and operation was assessed as having beneficial effects for the regional Highland economy. It will create new temporary jobs through the construction programme with the proposed development expected to generate 110 years of employment across Scotland and 90 years of employment within Highland. Whilst operational requirements are minimal for BESS, it is estimated that 30 jobs will be associated with the development including 10 jobs in Highland. The expenditure for the operation and maintenance of the BESS could deliver up to £1.8 million across Scotland and £800,000 across Highland through direct, indirect and induced economic benefits.

A4.11 The applicant has committed to an annual payment of £200,000 (£1000 per MW) during the estimated 30 year lifespan of the BESS, equivalent to £6 million over the course of its operation. Additionally, a schools based education programme is offered for pathways into the renewable energy sector. The applicant notes that 34 schools in Scotland have registered, with 2,110 pupils reached with the programmed relaunched for a 2nd year due to its success.

A4.12 Complementing those policies is NPF4 Policy 4 Natural Places, which sets out that development proposals by virtue of type, location, or scale that have an unacceptable impact on the natural environment will not be supported. The policy goes on to clarify what that means for different designations. It sets out that proposals with likely significant effects on European sites (SACs or SPAs) require Appropriate Assessment. NatureScot have confirmed that it is unlikely that the proposal will have a significant effect on any qualifying interests on Loch Ashie SPA or River Moriston SAC in the wider surrounding arear either directly

or indirectly subject to design solutions and proposed mitigation measures within the site.

A4.13 Similarly, sites designated in Development Plans for local nature conservation or Special Landscape Areas (SLAs) are protected in NPF4 Policy 4 unless the development will not result in significantly adverse effects on its qualities or its integrity, or these effects are clearly outweighed by social, environmental, or economic benefits of at least local importance. The most significant policy change for Natural Places brought about by NPF Policy 4 is with regard Wild Land Areas, which states that renewable energy developments that support national targets will be supported in Wild Land Areas (WLA) and that buffer zones around WLAs will not be applied, so that effects of development out with WLAs will not be a significant consideration.

A4.14 Policy 5 Soils aims to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development. An assessment of the potential impacts of the proposed development on geology, hydrogeology and peat has been considered as part of ground investigation works completed to inform the project design and feasibility of the proposed development. No peat is found on site, as such, there are no predicted effects on peatland resources. Whilst the site has previously been used for agricultural purposes and is currently used as an agricultural field it is not classed as prime agricultural land or land that is culturally or locally important for primary use.

A4.15 Policy 6 aims to protect and expand forests, woodland and trees with significant protection offered to Ancient Woodland with a presumption against woodland removal without appropriate compensatory planting. NPF4 Policy 6 b) notes that "Development proposals will not be supported where they will result in:

i) Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition

ii) Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value

iii) Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy." NPF4 Policy 6 c) notes that "Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered". It is considered the proposal is generally in overall conformity with NPF4 Policy 6 given the significant compensatory planting proposed.

A4.16 Policy 11 intends to "encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies including hydrogen and carbon capture utilisation and storage (CCUS)". It specifies that the principle of all forms of renewable, low-carbon, and zero emission technologies is supported (with the exception of wind farm proposals located in National Parks or National

Scenic Areas) including “enabling works, such as grid transmission and distribution infrastructure”.

A4.17 It states that development proposals should only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities. The policy goes on to say that significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets, while identifying impacts, including cumulative impacts, that must be suitably addressed and mitigated against. Policy 11 e) i to xiii sets out the criteria against which applications must be assessed.

A4.18 This includes a broad range of matters similar those to be assessed under HwLDP Policy 67 including landscape and visual impacts. It advises that where impacts are localised and / or appropriate design mitigation has been applied such effects will generally be considered acceptable. While the adopted NPF4 reflects a stronger presumption in favour of all national scale energy developments, judgment is still required at the project level to ensure proposals do not have unacceptable landscape and visual impacts even if the contribution to national renewable energy targets is considerable.

A4.19 On that point it is noted that both legislation and planning law indicate that where there may be incompatibility between NPF4 and the Local Development Plan (LDP) (HwLDP, IMFLDP2, and Highland Council Supplementary Guidance) published prior to NPF4, then the more recent document shall prevail. Notwithstanding however, in instances of incompatibility, this requirement may not eliminate the provisions of the LDP in their entirety whilst these documents remain an extant part of the adopted Development Plan. That means that the Council may wish to still give considerable weight to the provisions of its LDP over national policies where there is strong justification for doing so, such as where the Council feels that LDP policy is better equipped to respond to local matters of importance or site-specific conditions for example.

A4.20 Highland Council’s Development Plans Team note the application is likely to be in overall conformity with the approved development plan provided suitable mitigation is secured particularly in terms of additional planting, net biodiversity enhancement, landscape and visual impacts, noise and light pollution, and electrical fire and ground/water contamination issues.

A4.21 They consider the applicant has adequately explained the proposal’s site selection process and, in particular, why any other more suitable (in planning terms) sites have been discounted. The principle of battery storage facilities (particularly of a national scale) cannot be disputed under the terms of NPF4 but the site-specifics can. Policy 11e) of NPF4 sets out the criteria for assessing these site specifics. These criteria require assessment of each proposal’s impact and whether that impact is localised and can be mitigated. The need for close proximity to the excess power source (Knocknagael substation and its likely expansion) is accepted. The site-specifics with policy implications appear adequately addressed. Additional planting bunds and noise reduction fencing should mitigate visual, noise and light pollution issues although there is some

dubiety about whether solid or mesh fencing is committed to. The former will provide a far more effective mitigation and should be provided. The over 20% net increase in biodiversity units is welcomed. Almost all of the existing commercial plantation to the south of the site appears to be outwith the ownership boundary and may be harvested in the future so should not be relied upon as a visual screen/backdrop unless evidence of an agreement with the adjoining landowner not to crop within 30 years is provided. This visual, light and noise screening is vital because the cumulative effect of existing and likely future development at this location is considerable.

A4.22 The proposed development triggers, in particular, consideration of Policy 11 Energy. This presumes in favour of battery storage proposals outwith protected areas subject to 13 site-specific design and mitigation criteria listed in Policy 11e). Policies 1 to 3 are also relevant in terms of supporting proposals that address climate change but also enhance biodiversity and the nature crisis. The future application should commit via a financial bond to restore the site to its previous use at the end of its 30 year lifespan. Policies 14 (Design, quality and place), 18 (Infrastructure first), 20 (Blue and green infrastructure), 22 Flood risk and water management), 23 (Health and safety) and 25 (Community wealth building) are also relevant.

A4.23 The proposed development will not have any significant adverse landscape and visual impacts on a range of features/receptors (including but not restricted to) the Loch Ness and Duntelchaig SLA and Leys Castle GDL amongst others. However, significant landscape and visual effects have been contained to a relatively localised surrounding area with various mitigation measures reducing impacts further, particularly at the operational stage of the development.

A4.24 Given the nature of BESS and the requirement for adequate water supply in case of fire, the proposed development has potential to have a significant impact on hydrology, the water environment and flood risk. However, various mitigation measures will minimise any significant adverse effects.

A4.25 The proposed development will have a detrimental impact on biodiversity, however, the proposed biodiversity enhancements including the creation of mixed scrub (including juniper), species diverse grassland and planting of broadleaved tree species will lead to significant betterment across the site with biodiversity net gain of 20%. This exceeds the Council's 10% requirement and is welcomed by Highland Council's Ecology Team.

A4.26 Additionally, whilst the generality of HwLDP's topic policies are superseded by those in NPF4 HwLDP policies that offer greater detail than NPF4 or that are tailored to Highland circumstance (and are not wholly incompatible with NPF4) are still relevant and may be applicable. In particular, Policy 57 Natural, Built and Cultural Heritage and Policy 61 – Landscape and Policy 67 Renewable Energy.

A4.27 It is considered the proposal is in overall conformity with Policy 57, Policy 61 and Policy 67 of HwLDP. Policy 57 requires all development proposals be assessed taking into account the level of importance and type of heritage features, the form

and scale of the development, and any impact on the feature and its setting. The following criteria will also apply:

- For features of local/regional importance development will be allowed if it can be satisfactorily demonstrated that they will not have an unacceptable impact on the natural environment, amenity and heritage resource; and
- For features of national importance development will be allowed if it can be shown not to compromise the natural environment, amenity and heritage resource. Where there may be any significant adverse effects, these must be clearly outweighed by social or economic benefits of national importance. It must also be shown that the development will support communities in fragile areas who are having difficulties in keeping their population and services. NatureScot have confirmed that designations of national importance outwith the site including Loch Ashie SPA and River Moriston SAC in the wider surrounding area will not be compromised subject to mitigation measures proposed and controlled by various conditions.

A4.28 In terms of Policy 67, whilst the proposed development would contribute towards meeting renewable energy generation targets and generally have a positive effect on the local and national economy the Council has to be satisfied that it is located, sited and designed not to be significantly detrimental overall, either individually or cumulatively with other developments, having regard in particular to any significant effects on the following:

- Natural, built and cultural heritage features;
- Visual impact and impact on the landscape character of the surrounding area (the design and location of the proposal should reflect the scale and character of the landscape and seek to minimise landscape and visual impact, subject to any other considerations);
- Amenity at sensitive locations, including residential properties, work places and recognised visitor sites (in or outwith a settlement boundary); and
- The amenity of users of any Core Path or other established public access for walking, cycling or horse riding;

Highland-wide Local Development Plan (HwLDP)

A4.29 The generality of the HwLDP's topic policies are superseded by those in NPF4. However, those that offer greater detail than NPF4 or that are tailored to Highland circumstance (and are not wholly incompatible with NPF4) are still relevant and may be applicable.

A4.30 The HwLDP identifies the site as "wider countryside" under Policy 36. It sets out a range of parameters against which development will be assessed. It states that development proposals may be supported if they are judged to be not significantly detrimental under the terms of the policy noting "Renewable energy development proposals will be assessed against Renewable Energy Policies, the non-statutory Highland Renewable Energy Strategy and where appropriate

the Onshore Wind Energy Supplementary Guidance".

A4.31 HwLDP Policy 55 - Peat and Soils notes that development proposals should demonstrate how they have avoided unnecessary disturbance, degradation or erosion of peat and soils. An assessment of the potential impacts of the proposed development on geology, hydrogeology and peat has been considered as part of ground investigation works completed to inform the project design and feasibility of the proposed development. No peat is found on site, as such, there are no predicted effects on peatland resources.

A4.32 HwLDP Policy 57 – Natural, Built and Cultural Heritage requires all development proposals be assessed taking into account the level of importance and type of heritage features, the form and scale of the development, and any impact on the feature and its setting.

A4.33 HwLDP Policy 67 - Renewable Energy sets out that "renewable energy development should be well related to the source of the primary renewable resource needed for operation". It states that "The Council will consider the contribution of the proposed development in meeting renewable energy targets and positive/negative effects on the local and national economy as well as all other relevant policies of the Development Plan and other relevant guidance". The Council will support proposals where it is satisfied, they are located, sited and designed such as they will not be significantly detrimental overall, individually or cumulatively with other developments against eleven specified criteria (as listed in HwLDP Policy 67). Such an approach is consistent with the concept of Sustainable Design (HwLDP Policy 28) and the concept of supporting the right development in the right place at the right time.

A4.34 Policy 69 – Electricity Transmission Infrastructure states that proposals for overground, underground or sub-sea electricity transmission infrastructure (including lines and cables, pylons/ poles and vaults, transformers, switches and other plant) will be considered having regard to their level of strategic significance in transmitting electricity from areas of generation to areas of consumption". Subject to balancing with this consideration, and taking into account any proposed mitigation measures, the Council will support proposals which are assessed as not having an unacceptable significant impact on the environment, including natural, built and cultural heritage features.

A4.35 Although HwLDP Policy 67 and Policy 69 are considered compatible with NPF4 Policy 11, NPF4 expresses greater support for renewable energy projects outwith National Parks and NSAs and requires greater weight to be attributed to the twin climate and biodiversity crises in the decision-making process, whilst still recognising that a balancing exercise must still be carried out.

A4.36 The proposal is in overall conformity with the approved development plan. The proposal's expected contribution to help achieve net zero and interim climate targets accords with NPF4 Policies 1 and 11 along with HwLDP Policy 67. Subject to consideration as to whether the proposal's avoidance and minimisation of impacts is sufficient, the proposed mitigation in terms of restoration and offsetting, with significant net gain in quantitative terms accord well with NPF4 Policies 3, 4, 5 and 6. The illustrated example of community

wealth building aligns with the intention of NPF4 Policy 25 and with the Council's voluntary Community Benefit policy. The local socio-economic benefits will be substantial during the construction phase, whilst only 10 full-time jobs are anticipated once operational, dialogue between the applicant and key stakeholders in relation to support for specific projects in the local community will continue through the annual £200,000 contribution.

Area Local Development Plan: The Inner Moray Firth Local Development Plan 2 (IMFLDP2)

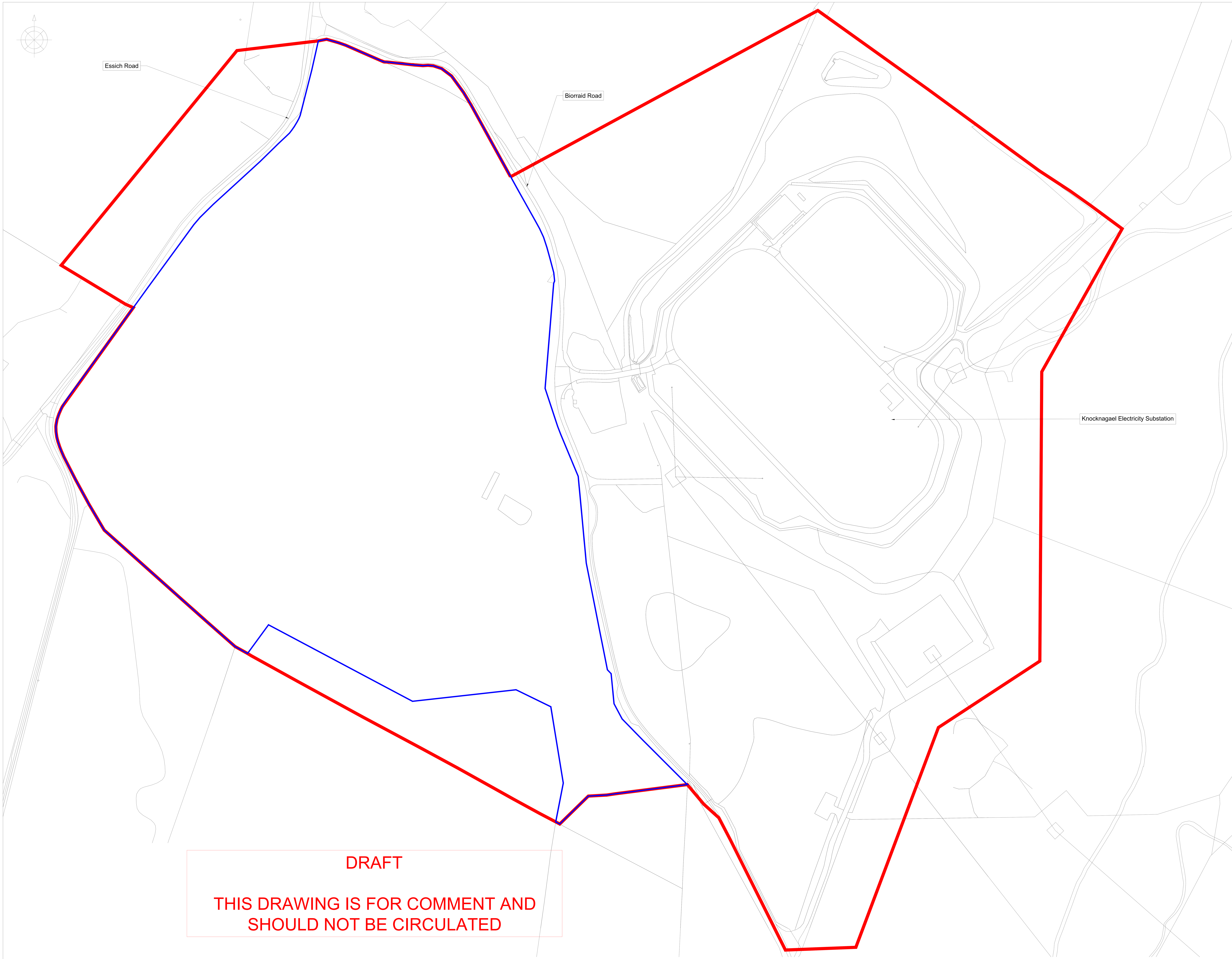
A4.37 The proposed development lies outwith any allocated site, delineated settlement boundary and safeguarding notation. The Inner Moray Firth Local Development Plan 2 (IMFLDP2) was adopted on 27 June 2024 and now postdates NPF4. Although the IMFLDP2 does not contain any site-specific policies relevant to this proposal its general policies provide more detail than the equivalent ones in NPF4. In particular, Policy 2 Nature Protection, Restoration and Enhancement which provides the hook for the Council's Biodiversity Enhancement Planning Guidance and Policy 9 Delivering Development and Infrastructure set out more detail.

A4.38 The IMFLDP contains policy on Nature Protection, Preservation and Enhancement (Policy 2). This sets out that proposals for national, major and EIA development will only be supported where it is demonstrated that the proposal will conserve and enhance biodiversity, including nature networks within and adjacent to the site, so that they are in a demonstrably better state than without intervention, including through future management. This is similar to the approach taken in NPF4 and will be considered in the relevant sections of this report.

A4.39 The IMFLDP also sets out that developers will be required to demonstrate that adequate capacity to serve the proposal exists or can be created by a programmed improvement or via direct developer provision or funding. Where this is appropriate, the need for enhancements to infrastructure will be highlighted in this report.

Draft Energy Strategy and Just Transition Plan (2023)

A4.40 The Draft Energy Strategy and Just Transition Plan has been published for consultation. Ministers will likely give consideration to this document in their decision on the application; however, limited weight can be applied to the document given its draft status. Unsurprisingly, the material on pumped hydro storage in the document reflects in large part that contained in NPF4. A fundamental part of the Strategy is expanding the energy generation sector. Overall, the draft Energy Strategy forms part of the new policy approach alongside NPF4 and confirms the Scottish Government's policy objectives and related targets reaffirming the crucial role that BESS and enabling transmission infrastructure will play in response to the climate crisis which is at the heart of all these policies.



1 Site Location Plan
Scale 1:1000 @ A0

Notes

1. All dimensions are shown in metres unless noted otherwise.
2. Do not scale from this drawing.
3. Planning boundary area = 42.375Ha

Legend

Planning boundary

Land to be leased by Apllicant

1:10	0	100mm	200mm	300mm	400mm	500mm	600mm	700mm	800mm	900mm	1m
1:20			0.5m			1m		1.5m			2m
1:25			0.5mm		1m		1.5m		2m		2.5m
1:50			1m		2m		3m		4m		5m
1:100		1m	2m	3m	4m	5m	6m	7m	8m	9m	10m
1:200			5m			10m		15m			20m
1:250			5m		10m		15m		20m		25m
1:500			10m		20m		30m		40m		50m
1:1000	0	10m	20m	30m	40m	50m	60m	70m	80m	90m	100m

REV	DATE	DESCRIPTION	BY	CHK'D
5	07.10.2024	Land to be leased by Applicant added and wider landownership removed.	JH	AP
4	20.06.2024	Road name amended.	JH	AP
3	28.03.2024	Annotations added	JH	AP
2	18.01.2024	Planning boundary amended	JH	AP
1	25.10.2023	Drawing amended to show location plan	JH	RS
0	01.11.2022	Option Plan - For Information	WL	RS

FIELD

Field
Fora Montacute Yards,
186 Shoreditch High Street,
London,
E1 6HU

PROJECT
Knocknagael

TITLE
Site Location Plan

DISCIPLINE
PLANNING

DRAWING STATUS
FOR PLANNING

SCALE	DATE	DRAWN BY	CHECKED BY	APPROVED BY
1:1000 @ A0	25.10.2023	JH	RS	RS

PROJECT NO.	DRAWING NO.	REV.
BTGBKNO01	002.1	05

1 Indicative Site Layout Plan
Scale 1:1000 @ A0

Notes

1. All dimensions are shown in metres unless noted otherwise.
2. Do not scale from this drawing.
3. This drawing is indicative only and the site layout is likely to change as more information becomes available.

Legend

- Planning Boundary
- Access Track - Unbound Finish
- Access Track - Asphalt Finish
- Attenuation Basin
- Palisade Fence
- 4m Acoustic Fence
- 3m Acoustic Fence
- Stock Proof Fence
- Indicative Underground Cable Route
- Site Landscaping and Planting
- Existing Trees to Remain

1:10	0	100mm 200mm 300mm 400mm 500mm 600mm 700mm 800mm 900mm		1m
1:20		0.5m 1m 1.5m		2m
1:25		0.5mm 1m 1.5m 2m		2.5m
1:50		1m 2m 3m 4m		5m
1:100	1m	2m 3m 4m 5m 6m 7m 8m 9m		10m
1:200		5m 10m 15m		20m
1:250		5m 10m 15m 20m		25m
1:500		10m 20m 30m 40m		50m
1:1000	0	10m 20m 30m 40m 50m 60m 70m 80m 90m		100m

REV	DATE	DESCRIPTION	BY	CHK'D
3	27.06.2024	Landscaping and planting area amended	JH	AP
2	20.06.2024	Drainage and landscaping amended. Annotations added.	JH	AP
1	30.05.2024	Site layout amended	JH	JM
0	28.03.2024	Site Layout Plan - Original	JH	AP

FIELD

Field
Fora Montacute Yards,
186 Shoreditch High Street,
London,
E1 6HU

PROJECT
Knocknagael

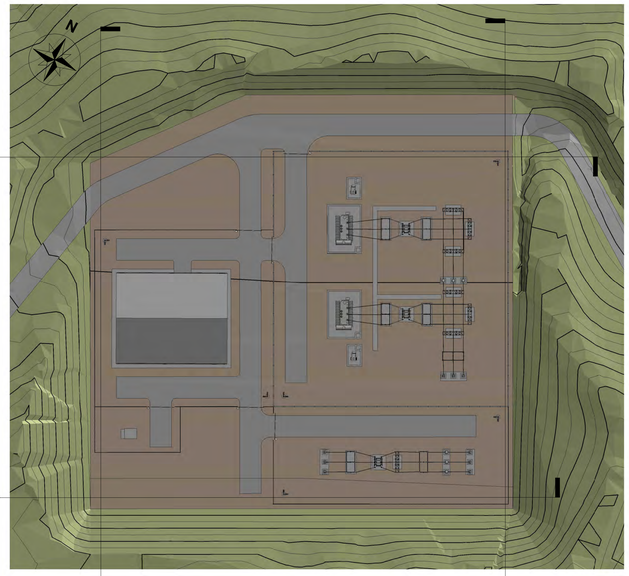
TITLE
Indicative Site Layout Plan

DISCIPLINE
PLANNING

DRAWING STATUS
FOR PLANNING

SCALE	DATE	DRAWN BY	CHECKED BY	APPROVED BY
1:1000 @ A0	28.03.2024	JH	AP	JM

PROJECT NO.	DRAWING NO.	REV.
BTGBKNO01	001.1	03



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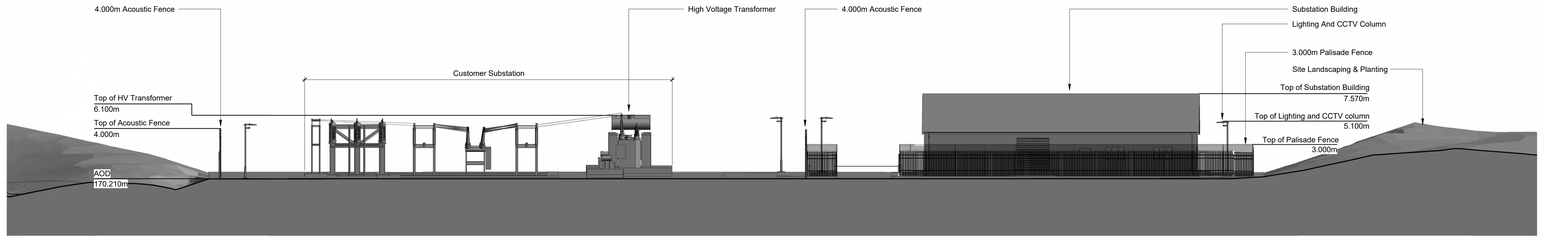

1 NORTHERN ELEVATION
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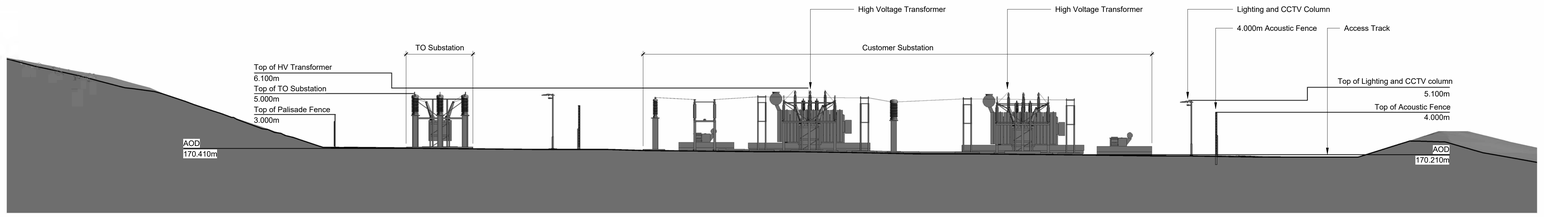
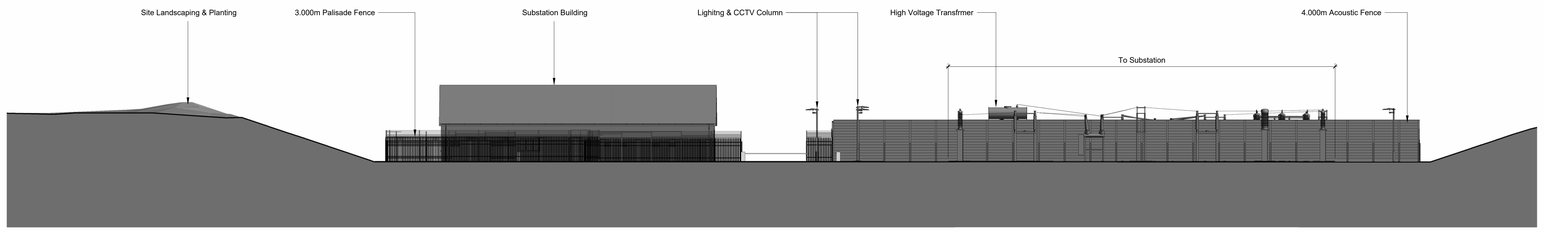
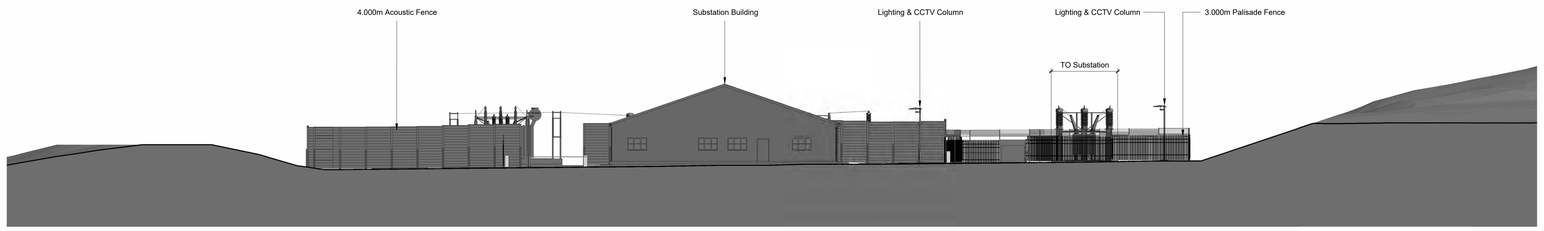


2 EASTERN ELEVATION
1 : 200



3 SOUTHERN ELEVATION
1 : 200



4 WESTERN ELEVATION
1 : 200

2 0 2 4 6 8 10
SCALE 1: 200 m

Notes

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2. Do not scale from this drawing.
3. This drawing is indicative only and the site layout is likely to change as more information becomes available.
4. GL is AOD. The hieghts of equiptment is the height above ground level.

REV	DATE	DESCRIPTION	BY	CHK'D
0	28/06/2024	Substation Compound Elevations original	MS	JH

FIELD

Field, Fora Montacute Yards,
186 Shoreditch High Street,
London, E1 6HU

PROJECT
Knocknagael

TITLE
Substation Compound Elevations

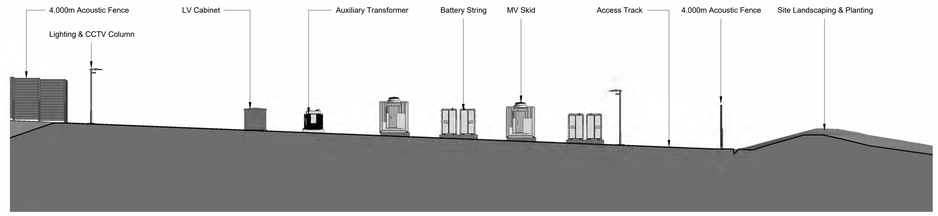
DISCIPLINE
Planning

DRAWING STATUS
For Planning

SCALE @ A0	DATE	DRAWN BY	CHECKED BY	APPROVED BY
As indicated	28/06/2024	MS	JH	RS

PROJECT NO.	DRAWING NO.	REV.
BTGBKNO01	005.5	0

0 WESTERN BESS COMPOUND - PLAN VIEW
1 : 500



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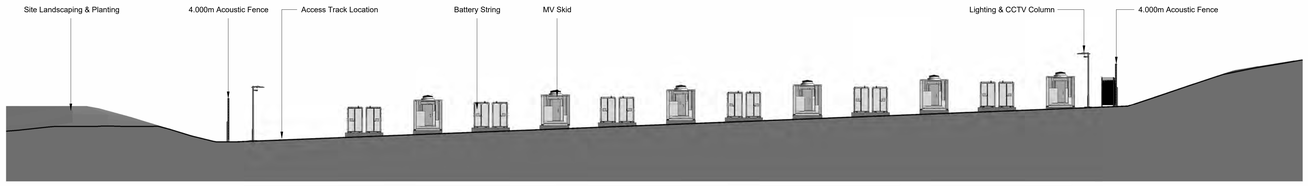

4 WESTERN ELEVATION
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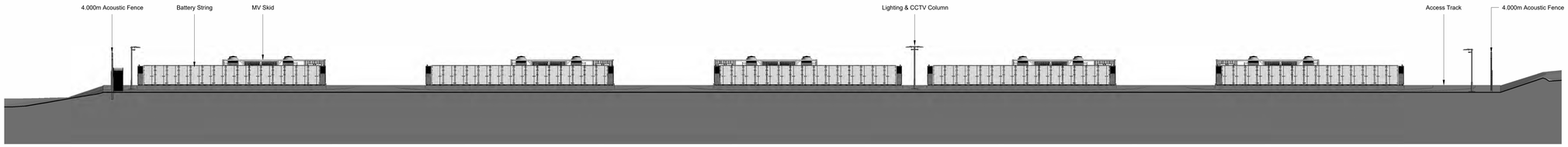

1 NORTHERN ELEVATION
1 : 200

3 SOUTHERN ELEVATION
1 : 200

2 0 2 4 6 8 10
SCALE 1: 200 m

Notes

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REV	DATE	DESCRIPTION	BY	CHK'D
0	28/06/2024	Western BESS Compound Elevations original	MS	JH

FIELD
Field, Fora Montacute Yards, 186 Shoreditch High Street, London, E1 6HU

PROJECT: Knocknagael

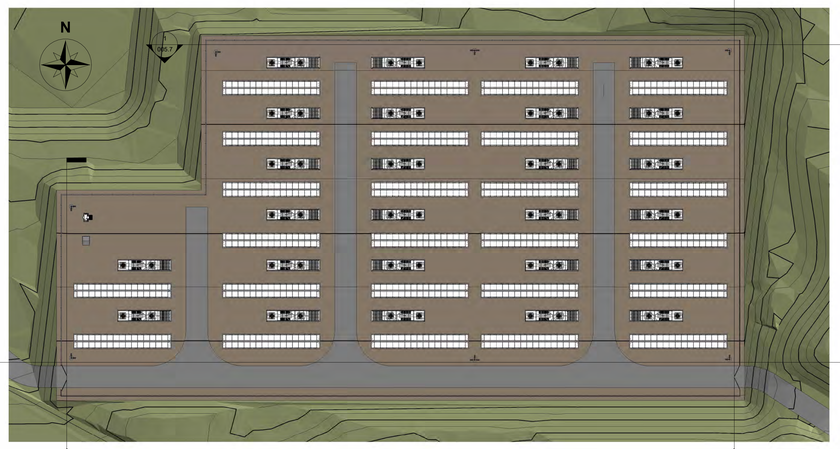
TITLE: Western BESS Compound Elevations

DISCIPLINE: Planning

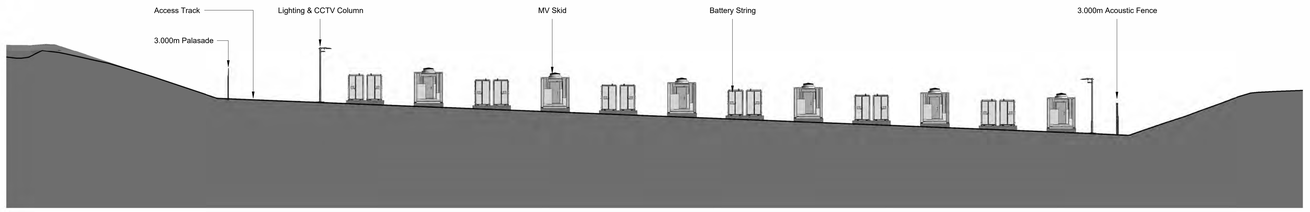
DRAWING STATUS: For Planning

SCALE @ A0	DATE	DRAWN BY	CHECKED BY	APPROVED BY
As indicated	28/06/2024	MS	JH	RS

PROJECT NO.	DRAWING NO.	REV.
BTGBKNO01	005.6	0



0 SOUTHERN BESS COMPOUND - PLAN VIEW
1 : 500



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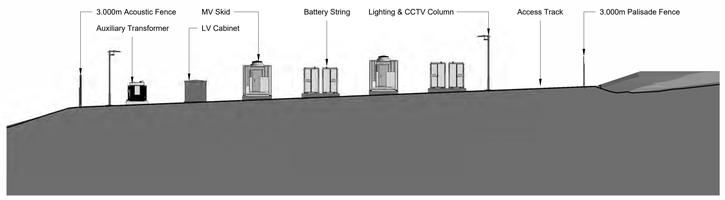
1 : 200



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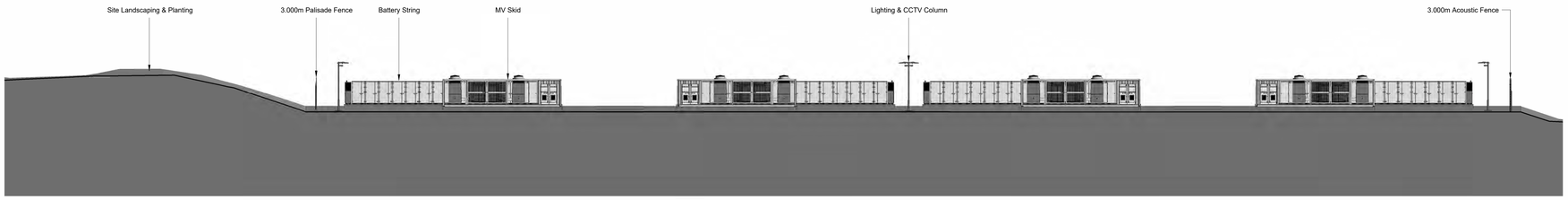

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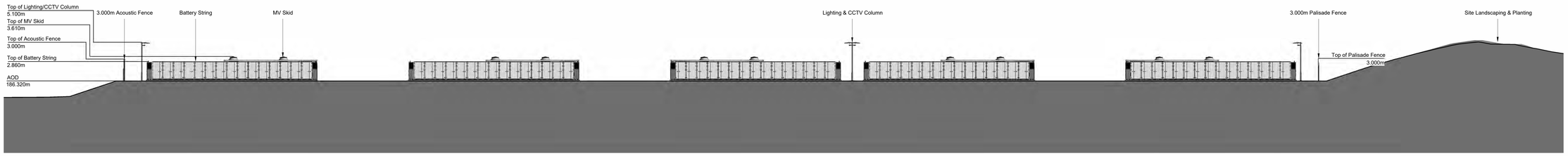

3 SOUTHERN ELEVATION
1 : 200

Notes

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4. GL is AOD. The hieghts of equiptment is the height above ground level.

2 0 2 4 6 8 10
SCALE 1: 200 m

REV	DATE	DESCRIPTION	BY	CHKD
0	28/06/2024	Southern BESS Compound Elevations original	MS	JH

FIELD

Field, Fora Montacute Yards,
186 Shoreditch High Street,
London, E1 6HU

PROJECT
Knocknagael

TITLE
Southern BESS
Compound Elevations

DISCIPLINE
Planning

DRAWING STATUS
For Planning

SCALE @ A0	DATE	DRAWN BY	CHECKED BY	APPROVED BY
As indicated	28/06/2024	MS	JH	RS

PROJECT NO.	DRAWING NO.	REV.
BTGBKNO01	005.7	0